

TITLE PAGE

**A STUDY OF EXECUTIVE–LEGISLATURE RELATIONSHIP IN THE BUDGET
PROCESS OF THE 7TH AND 8TH NIGERIA’S NATIONAL ASSEMBLY.**

BY

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CERTIFICATION

This Dissertation Title “A Study of executive- legislature relationship in the budget process of the 7th and 8th Nigerian’s National Assembly presented by James Ekong Awor (PG/NILS/1714037) has met the partial requirements for the award of the Degree of Masters in Parliamentary Administration (MPD) of the National Institute for Legislative and Democratic Studies/ University of Benin, Edo State Nigeria.

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DECLARATION

I hereby declared that this dissertation is a product of my own research efforts, undertaken under the supervision of Dr. Josiah Sabo Kente. It is an original work and no part of it has ever been presented for the award of any degree anywhere. All sources of information used have been duly acknowledged through the references.

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APPROVAL PAGE

This is to certify this dissertation “*A Study of the Executive-Legislature relationship in the budget process of the 7th and 8th Nigeria’s National Assembly*” has been read and approved as having met the partial requirements for the award of the degree of masters in Parliamentary Administration of the University of Benin/National Institute for Legislative and Democratic Studies is approved for contribution to knowledge.

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DEDICATION

This dissertation is dedicated to my beloved mother who died while I am writing this dissertation.

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LIST OF ABBREVIATIONS

APC-All Progressive Congress

BOF-Budget Office of the Federation

CABRI- Collaborative Africa Budget Reform Initiative

CSEA-Centre for the Study of Economics in Africa

CFRN- Constitution of the Federal Republic of Nigeria

CSO- Civil Society Organization

ECGRP-Economic Recovery Growth Plan

FRA- Fiscal Responsibility Act

FRC-Fiscal Responsibility Commission

FSP- Fiscal Strategy paper

IBP-International Budget Partnership

MTFE- Medium Term Expenditure Frame Work

NDI- National Democratic Institute

NILDS- National Institute for Legislative and Democratic Study

OAGF-Office of the Accountant General for the Federation

OECD- Organization for Economic Cooperation and Development

PAC-Public Account Committee

PDP-People's Democratic Party

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ABSTRACT

The 1999 Constitution (CFRN) as amended assigned roles and responsibilities to the Executives and the Legislature in the budget and process. The Executive prepares the budget, submit and implement same, while the Legislature approve and carried out oversight functions on the executive arm to ensure the compliance with the Appropriation Act as passed. On this note the study examines Executive-Legislature relationship in the budget process between the 7th and the 8th National Assembly. It investigates whether these was executive interference in the budget process of the legislature. Examined the factors responsible for the pattern of the relationship between the arms the budget process and examined the effect of the pattern of their relationship on the governance between them.

The study adopted a survey research design with the used of questionnaire and as the instruments for data collection. Purposive sampling technique was used to select the respondents that provided primary data while secondary data were obtained from published materials percentage was used with the aid of statistical package for social science (SPSS16.0) to analyse the data.

The analysis revealed that Executive-Legislature relationship in the budget process between the 7th and 8th Assembly was frosty. The findings also revealed that there was Executive interference in the budget process of the Legislature. Further findings revealed that the effect of the pattern of Executive-Legislature relationship in the budget process in both Assemblies had effect on governance that resulted to the delay in budget submission, approvals and poor implementation, poor infrastructural development, low level of employment of the citizens.

The study concludes that a cordial Executive-Legislature relationship in the budget process is desirable and fundamental to enhance the effectiveness and efficiency of the budget process that will enhance development, good governance and democratic consolidation in Nigeria.

CHAPTER ONE

INTRODUCTION

I.1 Background to the study

Democracy is a process of self-government in which citizens operate in their environment directly and indirectly as they make decisions for themselves, pursue careers, enters into relationships with others, and otherwise live their life and indirectly through political representative accountable to them (Appadorai, 1975; Mbachu., 2009). It is a system of government that made possible a centralized decision making and rule setting in matters that affect all citizens, the responsibility that accompanies all freedoms. It is also a social and political system characterized by a high degree of personal liberty and equally high degree of political liberty, manifested in regular and free competitive elections, protected by a legal system based upon a constitution, and often articulated by means of federalism (Lakoff, 1996).

Furthermore, democracy is conceived as “power of the people and for the people” (Oyediran, 2003; Egwu, 2005) espoused the concept to have constitute the institutional foundations of democracy and procedural, when they defined democratic method as the institutional arrangement for arriving at a political decision in which individual require the power to decide by means of competitive struggle for people to vote for their representative.

Hence, that is why (Stiftung, 2008) averred that democracy is by far the best and most popular form of government in the world, and for a democratic state to attain its objectives, the concept of separation of powers is one of the key element and a democratic principle which government is anchored. The proponents of the theory of separation of powers (Locke & Montesquieu, 1778) argued that unlimited powers in the hands of one person or group in most cases means that others would be suppressed and as such powers should be curtailed.

The theory of separation of powers, by (Montesquieu, 1778) has been identified as one of the basic concepts and the cornerstone principle of modern democracy in the last three centuries (Madison,

1992; Fabbrini, 1995) the genius of Montesquieu lay in reformulating an idea connoting a political balancing of economic and social interests into a system of legal checks and balances. Montesquieu conceptualizes a system of government in which each traditional arm of government that is executive, legislative and the Judiciary maintains clear and distinguish functions of its own allotted to it by the Constitution with check and balances from the other two arms in this way, the doctrine of Separation of powers is understood as the way of controlling the exercise of state powers by fragmenting it among the different arms and guaranteeing that fragmentation (Magill, 2001).

Montesquieu argued that when executive and legislative powers are united in a single person or body. There can be no liberty, because apprehension may arise in case the monarch or senate should enact tyrannical laws to enforce them in a tyrannical manner (Colher, Miller & Stone, 1989).

In view of the aforementioned that the Constitution (CFRN) 1999 as amended Section 4 vests the legislative powers of the Federal Republic of Nigeria in the legislature the National Assembly, a bicameral legislature consisting of the Senate and the House of Representatives at the National level and also vested legislative powers of a state of the Federation in the House of Assembly of the state, a unicameral legislature. Similarly, Section 5 vests the executive powers of the Federation in the President at the federal level and that of the State in the Governor of the State. While Section 6 vests judicial powers of the Federation and States there in the judiciary, which consist of the Courts established for the Federation and the States. (Oshio, 2004) averred that the separation of powers was not created to establish isolation of any arm of government in its operations, but the boundaries for exercising the governmental powers were to guarantee an interlocking system among the arm of government. This principle entails among other things that one arm of government is not to exercise the powers and functions of another arm of government, neither is one arm of government is allowed to encroach on the domain of another arm among others. The essence is to enhance the operations of the rule of law and helps in sustaining democratic culture Section 64 (1), 109 (1) and 67, 108 (CFRN). The doctrine forms part of checks and balances in the operations of government rather than absolute separation of powers which is totally

impracticable (Dumoye, 2005; Anyaebunam, 2010; Oni, 2013; Abdulrasheed & Kinge, 2015 Adetunji, 2018).

The Constitution also vested to the president powers to veto any bill passed by the Legislature and on the other hand the Legislature can override the president veto, the presidents is mandated to forward nominations for appointments of key government functionaries to the Legislature for confirmation and same applies to state governors and their legislatures.

Furthermore, (Anyaegbunam, 2010) observed that, the Legislature exercises oversight functions over the executive, and the Judiciary exercises the power of judicial review over executive and Legislative actions, it is on this note that (Oni, *et al*, 2013) Posited thus;

“The doctrine of separation of powers operationally involves a sharing of the powers of a system of checks and balances which allows each arm of government to protect its position within the constitutional framework of government, it needs flexibility, understanding and cooperation among the arms of government with each arm recognizing the limits and enforcing them. In this way, the purpose of government is fulfilled through contributions from all the arms of government as partners in progress.” Legislatures in democratic countries perform some basic functions in common. These are lawmaking, representation and oversight functions. The legislature varies from country to country as opined by (Abonyi 2006 & Okoosi- simbine, 2010) some features are common among them across the world.

The major functions of the Legislature in the budget process as identified by (Stapenurst, 2004; Barkan, 2004; Lienert, 2005; Nzekwe, 2008; Daggash, 2006; Posner & Parker, 2007; Azuta-Mbata, 2008; Ekhaton & Chima, 2015) are enactment of Appropriation Act (law making) and Oversight functions of the activities of the executive arm of government to ensure conformity with the enactment and accountability in governance. (Laski, 1992) averred that it is the responsibility of the legislature for passing laws that provide the laid down rules for the general society which the Appropriation Act is one of those laws. (Sam- Tsokwa & Ngara, 2016) lend their credence to this when they noted that Appropriation Act is one of those laws that the Constitution empowers the legislature to make for the good governance of the state Section 4 (1) (CFRN) 1999.

The Appropriation bill emanate from the executive arm of government to the Legislature as contained in Section 81 (CFRN)1999 and presented to the National Assembly through a joint session of the Senate and House of Representatives for enactment in to law by virtue of Section 81 (CFRN) 1999 as amended.

The Appropriation bill undergo legislative scrutiny like any other bill before it passages and finally sent to the president for assent. (Abonyi, 2006: Benjamin, 2010 & Awotokun, 1998) posited that this laws made by the legislature must be in the interest of the general citizens, be of good quality and self-sustaining. (Abonyi, 2006) further reiterated that bills are expected to be thoroughly scrutinized as its passes through the various stages during the process of consideration by the Legislature and could be altered by addition or deletion, however, this assertion by (Abonyi, 2006) lies at the center stage of conflict between the executive and the legislature at the enactment of the budget process in Nigeria. The situation which scholars like (Fashagba, 2009; Obadan, 2014; Abdulrasheed & Kinge, 2015; Sam-Tsokwa & Ngara, 2016) had called for Constitutional amendments to section 81(CFRN) 1999 for explicit clarifications (Sam-Tsokwa Ngara, et. al, 2016). Similarly, (Kousoulas, 1999) espoused that while law making is the function of the Legislature, the inputs of executive and other factors should equally be given concession by the legislature in the process of law making for orderliness in the society.

Fashagba, (2009) asserted that legislative oversight is an essential component of the activities of modern Legislative regardless of the type of government system in practice. The legislature plays acritical role in the promotion of good governance, this is done through effective oversight. The Legislature performed its oversight by the committee system in the legislature. Oversight activities includes the review, monitoring, supervision of executive agencies programs and policy implementation especially the level of compliance with the appropriation act as passed by the National Assembly and compliance with the laws guiding public expenditures and finances of government for the purpose of transparency and accountability in governance.

The executive in the other hand as earlier mentioned are vested with the responsibility of formulation, implementation and monitoring of the budget. It is on this executive function that (Edosa & Azelama 1995) defined the executive as the implementation arm of government.

The relationship between the executive and the legislature in governance is very important and key defining features of any functional political entity (Kopecky, 2004). And a constructive relationship between the executive and the legislature in the budget process is fundamental for the maintenance of the Constitution and the rule of law (Holme, 2007) and essential for the attainment of democratic dividends to the citizens. Hence, the national budget is a tool for the implementation of plans and policies of government over a given period. The budget issue has been a volatile one between the executive and the legislature at the national level in Nigeria since the beginning of the fourth republic up to the 7th and 8th National Assembly. However, this may be understandable considering the centrality of budget to public policy making and implementation and the general efficiency and effectiveness of the government (Eminue, 2006). Therefore, the tendency for budget issues assuming the dimension of controversy leave much to be desired. The trend has lingered with virtually all appropriation bills in the 7th and 8th National Assembly resulting to conflict that would eventually leads to gridlock in the process which usually manifest in delay of budget passage, poor implementation among others.

1.2 Statement of the Research Problem

The Legislature and the executive arms of government are each vested with powers to perform some defined functions in the structure of governance in Nigeria. However, in certain areas of their operations, joint efforts and collaborations are constitutionally design in the exercise of their powers. This is with a view to enhance the performances of operations of government as an institution in which a state is governed.

And to ensure harmonious inter organ relationships and demonstration of the independence of the Legislature (Fashagba, 2009). However, this constitutionally collaboration framework found

prominent in the budget process irrespective of the unambiguous provisions in the Constitution, the nature of executive, Legislature relationship in the Nigerian budget process over the years had still attracted wide view point, being characterized with conflicts, gridlock, antagonism, rivalry (Aiyede, 2005; Nwanna-Ekanma & Ogbodo, 2010) which some sees as necessary and beneficial precondition to limiting and controlling government (Madison 1992 : Magill, 2001) while others view it as contributing gridlock over major policy decisions, contributing to making government ineffective (Kopecky, 2004) Despite the clear provisions in the 1999 constitution as amended with a view of managing the problems associated with executive-legislature relationship which has been a problematic issue at the Federal level of governance since the beginning of the fourth republic in 1999 (Abonyi, 2006). Furthermore, (Buhari, 2019) asserted thus;

“The Relationships between the executive and the Legislature was not in the best interest of Nigerians in the 8th National Assembly. I sincerely hope each one of us will do his utmost to ensure there is a better working relationship between these two arms of government in the 9th National Assembly”.

And considering the fact that governance is imperative for the social, political and economic progress of every nation (Febbrimi, 1995; & Ogundiya, 2010) and is indispensable for the attainment of the objectives of a state (Oni, 2013) and budget being a microeconomic stabilizer plays an important role in stimulating the economy by ensuring a smothered business circle through which micro economic stability is achieved and also an instrument in driving economic growth and development policies of government unlike just an annual plan of expenditure outlay and revenue generation plan (Ekhaton & Chima, 2015). However, the fact that the executive and the Legislative arm of government are the two most important actors in the budget process (Posner & Park, 2007; Ekeocha, 2012; Abdulrashed & Kinge, 2015; Adetunji, 2018). However, government cannot effectively deliver her services to the citizenry in an atmosphere of a frosty working relationship between these key actors in the budget process. It is against this background that the study of executive-legislature relationship in the budget process in the 7th (2011-2015) and 8th (2015-2019) Nigeria's National Assembly.

Table 1.1 below highlighted the dates of budget presentation and the dates the budget was passed by National Assembly from 2011-2019

Table 1.1 Presentations and Enactment of National Budget in the 7th and 8th National Assembly (2011-2019)

S/N	Fiscal Year	Date of Budget Presentation	Date Passed by NASS	Time Lapse
1	2011	15 th December, 2010	25 th May, 2011	5 months, 11 days
2	2012	15 th December, 2011	21 st March, 2012	4 Months, 3 days
3	2013	10 th October, 2012	30 th January, 2013	3 Months, 18 days
4	2014	19 th December, 2013	22 nd April, 2014	5 Months, 3 days
5	2015	17 th December, 2014	28 th April, 2015	4 Months, 11 days
6	2016	22 nd December, 2015	22 nd March, 2016	3 Months
7	2017	14 th December, 2016	11 th May, 2017	4 Months, 28 days
8	2018	7 th November, 2017	16 th May, 2018	6 Months, 9 days
9	2019	18 th December, 2018	30 th April, 2019	4 Months. 12 days

Source: BOF, & House of Representatives Committee on Appropriation (2020)

The table above shows the dates of presentations of budgets estimates (proposals) to the National Assembly in conformity with Section 81 Constitution(CFRN) 1999 as amended and the time the National Assembly eventually approved the budgets (Appropriation Act) within the 7th and 8th National Assembly in accordance with section 80 of Constitution 1999(CFRN) respectively. The table indicates that within the nine years of the Appropriations Act that was presented to the National Assembly within the period of this study, only three years' appropriations that had a gestation period of three months in the National Assembly before enactment. While Seven years' appropriations had average an gestation period between four months to Six months in the National Assembly. This time for budget scrutiny in the legislative is indeed too long as compared to

international best practices. This clearly pointed to the fact that there is a problem with the budget process in Nigeria.

The issue of budget interference is captured on table 1.2 below from 2011-2019

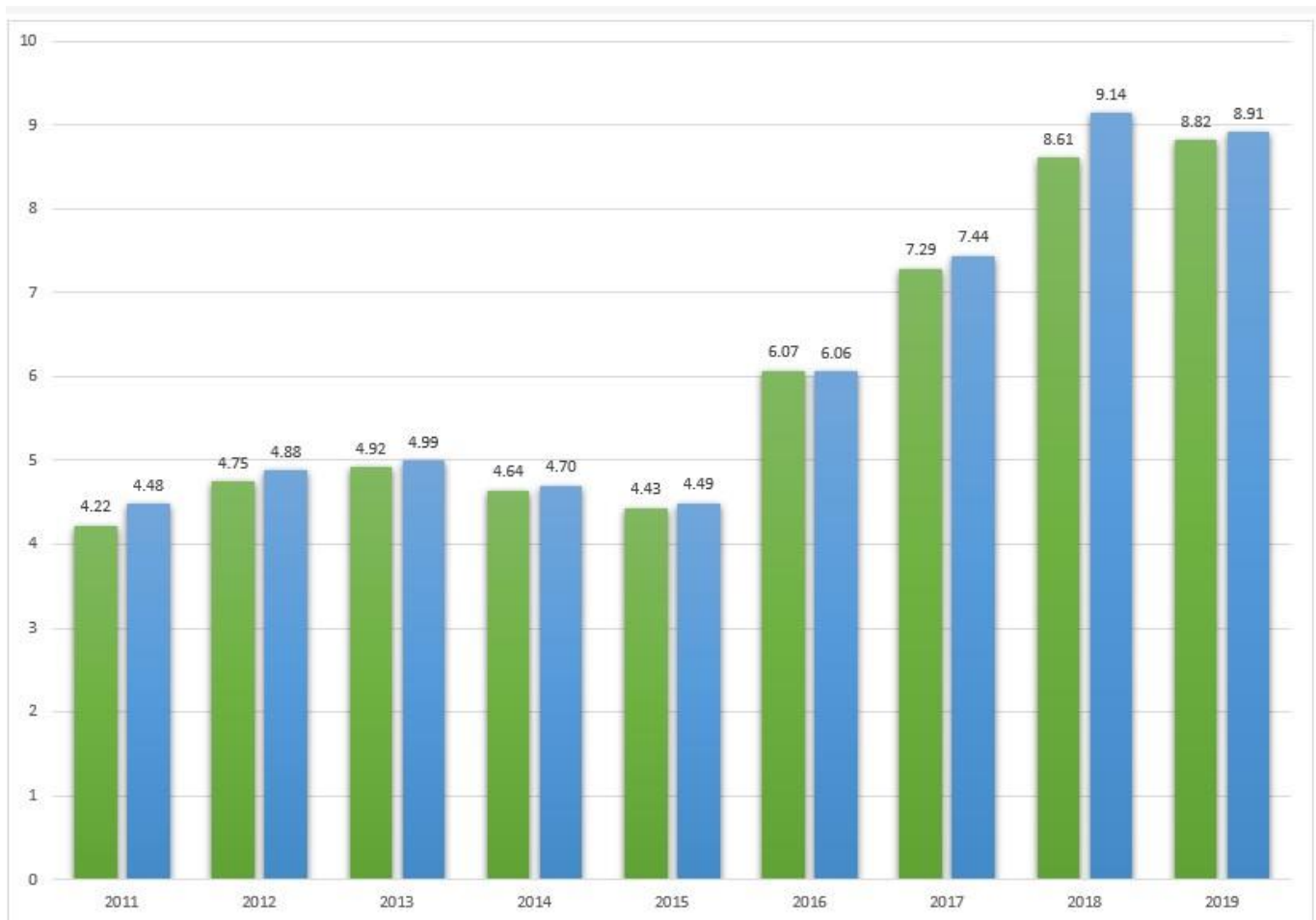
Table 1.2 Shows the executive proposals of the budget and the amount appropriated by the 7th and 8th National Assembly (2011 - 2019)

S/N	Fiscal Year	Amount Proposed by the Executive	Amount Passed by NASS	Variance
1	2011	4.22tn	4.48tn	+0.26tn
2	2012	4.75tn	4.88tn	+0.13tn
3	2013	4.92tn	4.99tn	+0.07tn
4	2014	4.64tn	4.70tn	+0.06tn
5	2015	4.43tn	4.49tn	+0.06tn
6	2016	6.07tn	6.06tn	+0.01tn
7	2017	7.29tn	7.44tn	+0.15tn
8	2018	8.61tn	9.14tn	+0.53tn
9	2019	8.82tn	8.91tn	+0.09tn

Source: BOF, OAGF & House of Representatives Committee on Appropriation (2020)

The table shows the discrepancies in the executive budget proposals that was submitted to the National Assembly and what the National Assembly approved within the period of this study (2011-2019) in the table the executive proposals and what the legislature eventually passed as an appropriation Act varies. The variations usually posed a challenge between the two arms of government over powers of the legislative to increased or reduced what is presented by the executive shall be called for constitutional amendment for section 81 for clarity.

There is also summarized by the chart below in figure 1.1



Keys:



-  Amount proposed by the executive
-  Amount Passed by National Assembly

Figure 1.1 The Executive proposals of the budget and the amount appropriated by the 7th and 8th National Assembly (2011-2019)

Table 1.3 Capitals and Recurrent Budgets (2011-2019) Implementation.

Table 1.4 below shows the percentage implementation of the budgets in 2011-2019

S/N	Fiscal Year	% Implementation of Recurrent as Passed by NASS	% Implementation Capital Budget Passed by NASS
1.	2011	96.30	70.23
2.	2012	98.98	63.27
3.	2013	98.80	60.22
4.	2014	90.30	52.48
5.	2015	80.42	4.7
6.	2016	94.25	10.90
7.	2017	92.46	66.22
8.	2018	92.11	57.68
9.	2019	93.10	55.6

Source: BOF, OAGF & House of Representatives Committee on Appropriation (2020)

The table shows the budgets implementations levels in percentages terms for both recurrent and capital budgets expenditures as appropriated by the National Assembly within the period of 7th and 8th National Assembly (2011-2019) from the table the implementation of the recurrent budget within the period is excellent, while within the same period as shown in the table capital budgets implementations is poor compared to the recurrent budgets for the same period. However, the capital components of the budgets suffered very low implementation. The table shows that only in one financial year (2011) that the capital implementation budget implementation recorded 70%.

While 3 years' periods had little above 60% and 50% respectively. And it is the capital component of the budget implementation that is fundamental to economic and infrastructural development of the nation because it creates jobs, provides infrastructures and basic social amenities that better the lives of the citizens. This is what government (executive) should have taken its implementation

but the table proved otherwise, rather it is legislature arm of government that always put pressure on the executive arm government to improved significantly on the capital implementation of the capital budget, this could be the reasons why (Anyeabunam, 2010) adduced to have causing a frosty relationship that is usually experienced between the executive and the legislature during oversight activities which is part of the budget process.

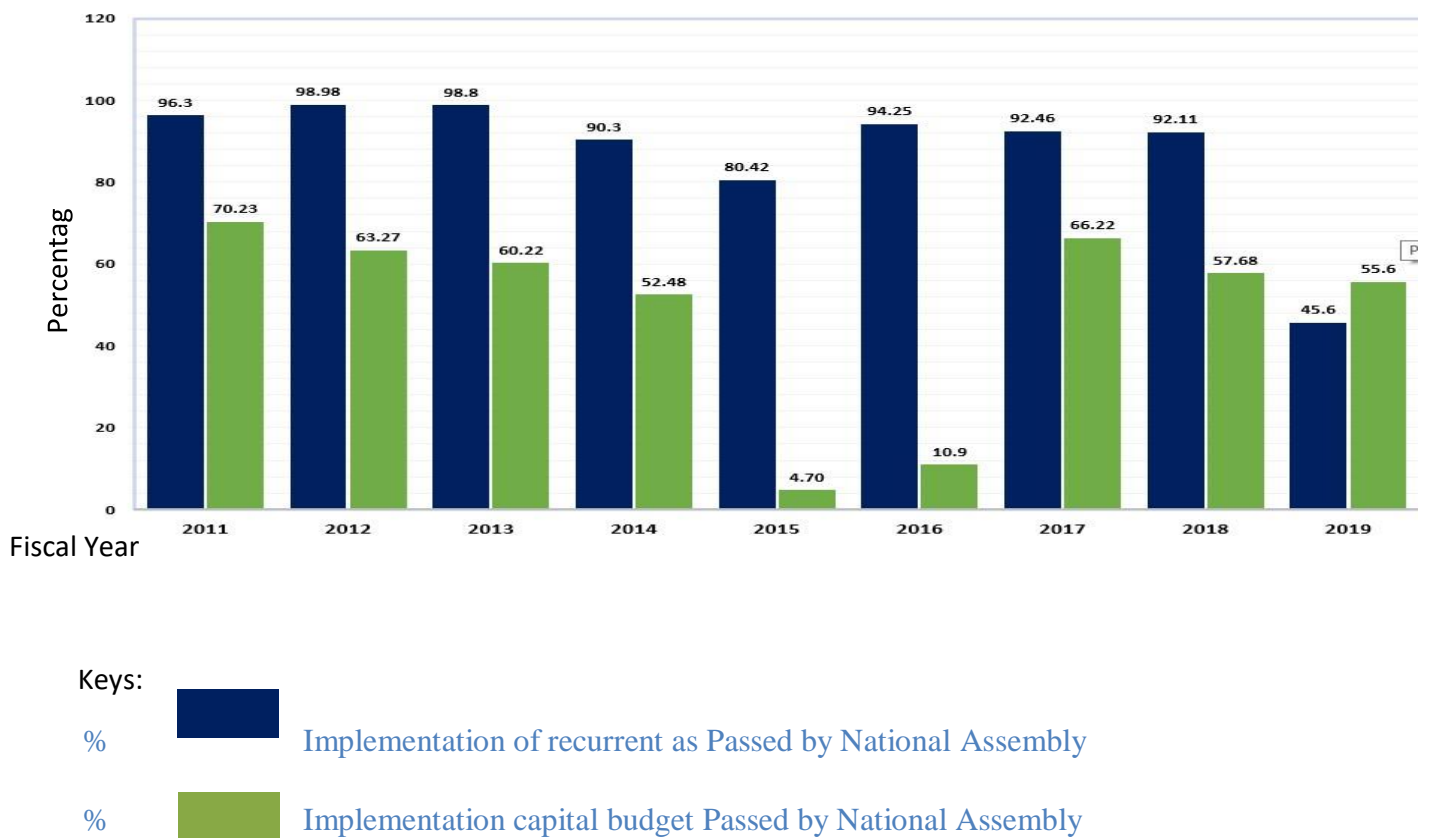


Figure 1.2 Chart showing the percentages of implementation of capital and recurrent budgets expenditures Appropriated by the National Assembly between the 7th and 8th National Assembly (2011-2019)

1.3 Research Questions

The following research questions are what this study seeks to address:

- i. What is the pattern of Executive-Legislature relationship in the budget process between the 7th and 8th National Assembly?
- ii. Were there executive interference in the budget process of the legislature between the 7th and 8th Assembly.
- iii. What are the factors responsible for the pattern of Executive-Legislature relationship in the budget process between the 7th and 8th National Assembly?
- iv. What are the effects of the pattern of executive- Legislature relationship in the budget process on governance in Nigeria between the 7th and 8th National Assembly?

1.4 Research Objectives

The broad objective of this research is to carry out a study of Executive-Legislature relationship in the budget process between the 7th and 8th Nigeria's National Assembly.

The specific objectives are to:

- i. examine the pattern of executive- legislature relationship in the Nigeria budget process between 7th and 8th National Assembly
- ii. investigate whether there was executive's interference in the Legislative budget process between the 7th and 8th National Assembly.
- iii. examine the factors responsible for the pattern of Executive-Legislature relationship in the budget process between the 7th and 8th National Assembly.

- iv. examine the effect of the pattern of Executive-Legislature relationship in the budget process on governance between the 7th and 8th National Assembly

1.5 Scope and Limitations of the study

The scope of the study is the Nigerian's National Assembly (the legislature) it is a bicameral in nature (two chambers), the Senate is made up of 109 Senators and House of Representatives with 360 members representing the 36 states of the Federation and Federal (F.C.T) located in Abuja. This study covered the 7th and 8th National Assembly of the Fourth Republic (2011-2019). The choice of 7th and 8th National Assembly is predicated on the fact that since 1999 to 2015 there have been one political party, the People's Democratic Party (PDP) that was in control of the federal Government and in 2015 to 2019 there was a power shift that is power transitional from one political party PDP to another the All Progressive Congress (APC). This transition necessitate the choice of the 7th National Assembly of PDP and 8th Assembly of the APC for the study of the executive-legislature relationship in the budget process in the two Assemblies and the two political parties.

1.6 Significance of the Study

This research will be beneficial to the following institutions:

The Executive:

- i. This research work will help the executive to realize the importance of developing a harmonious working relationship with the legislature in the budget process thereby making the process effective and efficient that is conflict free that will lead to early submission, passage and good implementation

-
- ii. It will also help the executive arm of government to see the need to appreciate the

Constitutional role of the legislature and respect the doctrine of separation of power as a universal democratic principle of presidential model of government.

iii. It will also help the executive arm to see the need to always involve the legislature extensively at the early stage of budget preparations which commence with the preparations of the Medium Term Expenditure Framework (MTEF) and the Fiscal Strategy Paper (FSP) in accordance with the Fiscal Responsibility Act (2007) that institutionalized the frame for budget preparations for a timely submission to the National Assembly and approval of same respectively. This will be good start point which often than not result to a good end for the budget process. Because the MTEF/FSP is key to the planning and formulation stage of the budget for this will enable the legislature to have an insight of plans and policies that the government plans to achieve within a given period so that when the proposal is undergoing scrutiny at the enactment stage of the budget, the legislators are already aware of the plans and policies that government want to embark upon in this way they will see themselves as partners in governance rather than rivals.

The legislature (The National Assembly)

- i. It will help the legislature to know the importance of a cooperative relationship with the executive in the budget process for it is imperative to economic and national development of the country and the only way to better the lives of the citizens which they represent.
- ii. This research will help the legislature to know that the separation of powers as enshrined in the constitution does not mean that there should not be collaboration in the budget process therefore, the cooperation and collaboration relationship with the executive is very important for democratic consolidation and development.
- iii. It will enable the legislature to know that no arm of government is supreme to the other and therefore the power of the purse to be exercised by the legislature in the Constitution through budgeting does not in any way makes the legislature supreme over the executive arm of

government. Therefore, the legislature should always appreciate the Constitutional roles of the executive in the budget process.

- iv. Finally, it will help the legislature to know that the best way of resolving conflict whenever they arise in the budget process is through dialogue rather than outright confrontation in the public domain

The Political Parties

- i. The research will help the political parties to know that their interferences in who becomes the leadership of the legislature (imposition of candidates by party) is not doing the country and our democratic governance any good, therefore every elected members of the legislature under the platform of his/ her party especially the ruling party has equal right to become the president of the Senate and Speaker of the House of Representatives if elected by the legislators, so the interference of the political parties in imposing candidates for the legislators and resistance to same usually result to conflict that always has adverse effect on the executive and the legislature relationship in governance and also manifest in the budget the process.
- ii. It will also help the political parties not to always take side whenever there is conflict between the legislature and the executive in the budget process because the ruling party in Nigeria usually take side in favor of the executive because, the political party is always overwhelm by the enormous powers of the presidency rather than being neutral and take objective position to resolve issues between the executive and the legislature for both are members of the party this approach is peculiar to every ruling party in this fourth republic.

1.7 Definitions of Terms

Executive

The term executive in the Context of this study is the branch of government that has sole authority and responsibility for the daily administration of the country bureaucracy and budget implementation.

Legislature

This is the arm of government vested with the powers to pass, amend, and repeal laws for good governance in a country

Relationship

This refers to a constitutional established mode of connections or interactions between the executive and the legislature.

Budget Process

The budget process is the various set of steps taken from the budget preparation, formulation, approval, implementation, monitoring, evaluation and auditing.

7th National Assembly

This refers to a four-year span of the Legislature 2011 – 2015

8th National Assembly

This refers to a four-year span of the Legislature 2015 – 2019

1.8 Organization of Chapters

This research work is divided in to five chapters, chapter one is the general introduction to the study as well as the background to the study, the statement of the research problem, the research questions, research objectives the scope and limitations, the significance of the study and the definition of terms.

Chapter two focuses on the review of related literature including conceptual, empirical, theoretical review and it adoption in the study, Historical background of executive-legislature relationship in Nigeria's presidential system and parliamentary system, factors that determine executive-legislature relationship in Nigeria, executive- legislature relationship during the Colonial era. Chapter three

Discussed the methodology that is used for the study, it further discusses the research design, sampling, Data collection and analysis procedures.

Chapter four presents and analyzed the data collected, discussion of results and research findings.

This Chapter contains the summary, conclusion and recommendations.

CHAPTER TWO: LITERATURE REVIEW AND THEORITICAL FRAMEWORK

This chapter review previous related studies that clarifies the concept, opinion, observations, commendations and conclusion, the purpose is to establish a connection between the previous studies and this research work.

Thematic approach is adopted in reviewing literature; review of related concepts, empirical studies and theoretical framework adopted for the study.

The fundamental objective of every democratic state is effective and efficient governance. This function is carried out by government which required not only the provisions of security to the citizens but also other basic needs, welfare and ensures political and socio-economic development (Gill, 2002). These noble objectives of a state are attained by government through the making of laws that regulate activities of the society and enforcement to ensure compliance (Bang & Esmark, 2009). From the ancient time to these present governments have carried out these functions through the formulation of policies, implementing and enforcing the laws and the administration of justice (Akintola, 1999). It is imperative therefore, that social acceptance of the power of the government to control the people must be voluntary and recognized by the people. Government fulfils its role of effective governance by dividing its powers and functions between its institutions with each performing some specific functions (Edosa & Azelama, 1995). Perhaps it is because of the division of the powers and functions among these institutions of governance that government defined as a set of institutions through which the will of the state is realized (Adler, 1996). Thus institutionalist scholars averred that powers and functions of government are vested in the legislature the executive and the judicial organs of government which are coordinate or independent (Jones 2002). Constitutional government all over the world recognizes these three basic departments of government (Edosa & Azelama, 1995; Akintola, 1999; Magill, 2001; &

Laski, 1992) reiterates this position when he averred that since the time of Aristotle, it has been generally agreed that political power is divided into three broad categories. These divisions according to him, include the legislature which makes the general rules for the society, the executive which seeks to apply those rules laid down by the legislature to particular situations and the judiciary which settles disputes between government and its citizens and those between citizens (Awotokun, 1998) also lend his credence to the tripartite political administrative division of government functions. He viewed that all contemporary state in practice, have three branches of government responsible for carrying out the basic functions of government. According to him, one set of officials has the primary function of enacting laws, another set of officials implement state policies and decisions while the third settles disputes and punishes those who contravene the laws of the land. The section below reviews extant literature on the arms of government.

2.1 Conceptual Review

The legislature

The term legislature has been given different names across countries of the world. In Britain it is referred to as a parliament, in Nigeria, National Assembly, Congress in the United States of America etc. (Abonyi, 2006; Heywood, 2007; Lafenwa, 2009).

However, there is no divergent view about the definition of democracy as observed by (Lafenwa, 2009). Hence the Legislature occupies a fundamental position in the structure of government (Heywood, 2007) and being the representatives of the people's and with the sole aim of articulating and expressing the collective aspirations of the people (Bernick & Bernick, 2008; Okoosi-Simbine, 2010). (Egwu, 2010) argued that the legislature are the real sites of representation with responsibility for law making, representation and oversight. For (Taiwo & Fajingbesi, 2004) viewed the legislature as an arm of government in one and on the other hand as the forum for representation of the electorates. (Awotokun, 1998) see the legislature from a functional approach. He defines the legislature as a branch of government made up of elected representatives or constitutionally

constituted body of person whose duties among others one to make law, oversight the executive activities and protect the interest of the citizens.

In line with the functional definition, (Anyaeunam, 2000) conceptualized the legislature as having the mandate of making, revising, amending and repealing laws that will better the lives and wellbeing of the people that its represent.

Similarly, (Lafenwa, 2009) define the legislature as an official body, usually chosen by the people through election, with the power to make, charge and repeal laws as well as powers to represent the constituent's units and control government. (Okoosi-Simbine, 2010) also viewed the legislature as the lawmaking considering and policy influencing body working for the advancement of democratic political system. He refers to the legislature as the first Estate of the realm, the realm of representation and the site of government, the only expression of the will of the citizens. If is from this angle of analysis that the power of the Legislature is derived from the citizen and should be exercise in accordance to the will of the citizens who they represent. It is on these lenses that (Bogdanor, 1991) posits that the authority of the legislature as a political institution is conceived from a claim that it members are representative of the political societies and decisions are collectively made according to established guidelines. However, the fundamental expectation of the modern states is effective and efficient governance. This role is carried out by the government which not only provides security to the people, but also provide their basic needs and ensures their political and socio-economic development are achieved (Gill, 2002). These objectives are achieved by the government through making laws that regulates human behaviour and providing direction to societal activities and the enforcement of the rules to ensure compliance (Bang & Esmark, 2009) from the ancient times to the present, government have performed these important functions by mapping out policies, implementing and enforcing the laws and adjudicating or administering justice (Akintola, 1999). It is imperative therefore, that social acceptance of the power of the government to control the citizens must be willingly accepted by the citizens. Government fulfils

its role of effective governance by dividing its powers and functions between its institutions with each performing some specific functions (Edosa & Azelama, 1995). Perhaps it is because of the division of the powers and functions among these institutions of governance that government is defined as a set of institutions through which the will of the state is achieved (Adler, 1996). Thus institutional scholars averred that powers and functions of government are vested in the legislature, the executive and the judicial arms of government which are independent of one another (Jones, 2002). Constitutional government all over the world recognizes these three basic structures of government (Edosa & Azelama, 1995 ; Laski, 1992) buttressed this position when he averred that since the time of Aristotle, it has been accepted that political power is divided in to three categories. These categories include the legislature which enact the laws for the society, the executive implement those laws made by the legislature and the judiciary which settles dispute that arises between government and its citizens and those between citizens. (Oyediran, 2003) also lend his credence to these political administrative classifications of government powers and functions, he asserts that all modern states one set of officials has the primary function of making laws, another set of officials implement state policies and decisions, while the third settles disputes and punishes those who disobeyed the laws of the land.

The two major classes of legislature as identified in the extant literature by (Lafenwa, 1991; Edosa & Azelama, 1995; and Okoosi-Simbine, 2010) are; Unicameral legislature is a legislature of a country with a single chamber and bicameral is a country legislature with two chambers. However, some countries like Yugoslavia has experimented with a five-chamber legislative assembly and South Africa, with a three-chamber legislative assembly between 1984 and 1994 (Heywood, 2007).

Furthermore, (Nwabuzor & Mueller, 1985) postulated that federal political design such as those found in Nigeria, the United States, the Soviet Union, Canada, Australia and Switzerland, regularly adopt bicameralism in order to protect the interests of the minorities. Some systems, such as Great Britain, the Third Republic in France and the former Nigerian House of Chiefs in the 1960s, adopt

bicameralism to enable the upper house check against hasty legislations. In a similar argument, (Edosa & Azelama, 1995) posited that the bicameral type of legislative structure is more common with federal states stemming from the imperative of one house to protect the interests of minority or regional groups in such states. (Edosa & Azelama, 1995) observed that some federal states such like Nigeria, United States, Switzerland, Canada, Germany and Australia have opted for bicameralism on this basis. According to them, some Countries such as Britain, second chamber is adopted to play a somewhat conservative role or to serve as a check on radical legislation of the lower house. The British House of Lords, according to them, has usually been disposed to delaying, moderating or out-rightly preventing ferocious legislations of the lower house- the House of Commons. A similar situation is found in the defunct post-independence Nigerian House of Chiefs at the regions. France second chamber is made up of members who are elderly and are, therefore, expected to be conservative and also moderate the activities of the lower chamber (Nwabueze, 1982; Edosa & Azelama, 1995; Oyediran,).

This type of two-chamber legislature is found in countries such as Nigeria, France and United States. The Congress of the United States comprises the Senate (Upper House) and House of Representatives (Lower House). Similarly, the National Assembly of Nigeria is made up of the Senate (Upper House) and House of Representatives (Lower House). France legislative body also comprises of the Deputies and the Senate. In the Nigerian system, the country operated a unicameral arrangement at the federal level up to the 1954 Littleton Constitution and later adopted a bicameral model at independence. This structure was maintained in the 1979 and 1999 Constitutions. Ghana and New Zealand are also example of countries that adopted a bicameral legislature after attainment of independence. In countries where bicameralism operates, the Constitution stipulates that one chamber provides the opportunity for equal representation of the federating units while the diverse interests are represented in the other chamber. However, bicameral legislature makes it difficult for the legislature to be controlled by an oppressor or manipulator (Amboyna, 2006). It also creates an avenue for wider representation of different interests' groups in the country. Furthermore, this

legislative model or structure serves as checks against hasty passage of law and gives opportunity for division of labour between the two chambers (Heywood, 2007; Okoosi-Simbine, 2010).

The other type of legislative structure is the single chamber legislature commonly known as unicameral. (Edosa & Azelama 1995; & Abonyi 2006) asserted that the legislative structure exists where there is only one legislative chamber in a country. This practice, according to them is less common than bicameral legislative structure. China operates unicameralism. Israel established a single-chamber legislature (the Knesset) in 1948; similarly, Nigeria had a unicameral legislature at the federal level up to the 1954 Littleton Constitution and changed to unicameralism at independence (Akinboye & Anifowose, 2011). New Zealand and Ghana also had unicameral legislature before independence. A two-chamber legislature was abolished in Denmark in 1954 and Sweden in 1970 (Edosa & Azelama, 199; Heywood, 2007). For these countries the choice of a single-chamber legislature was predicated on the fact that unicameralism is more streamlined and more effective especially in terms of responding to the needs of small and relatively cohesive and homogenous political societies (Abonyi, 2006). In addition, its structure is simple and less expensive to run and avoids delay in legislation (Heywood, 2007; Okoosi-Simbine, 2010).

2.1.2 Functions of the Legislature

Egwu, (2005) observed wide variations in status, powers and functions of the legislature among states According to (Egwu, 2005) in some political systems (e.g. the United States Congress), the legislative body assumes wide powers and exercises real power with respect to various decision making processes. In some other political climes like the former Soviet Union, the legislature exists as a mere rubber stamp for decisions made elsewhere. (Ornstein, 1992) in the same vein, classifies the legislature of the defunct Soviet Union as a rubber stamp assembly whose main role was to legitimize the policy of government. (Azevedo, 2006) observed that such variables as colonial legacies, the appointment and dismissal powers of governing parties, executive control of state resources and role perceptions of legislators has contributed to the institutional and policymaking

weakness of the legislature. The institutional weakness usually confines their ability to represent citizens, make laws and carry out their oversight functions effectively (Azevedo, 2006). In line with this assertion, (Burnell, 2002 ; Thomas & Sissokho, 2005) averred that Africans legislature are mere institution for legitimizing government policies, recruiting and socializing new elites, and mobilizing public support for political eras.

While most scholars of Africans legislatures argue in favor of the policy making and institutional weakness of Africans legislature, (Ademolekun, & Zhou, 2004) noted a cross national variation of this scenario over the continent of Africa.

In accordance with their comparative study of four Africa's legislatures, their conclusion was that although African legislatures are often regarded as weak, the authority of the legislature in Africa ranges from being very weak in Senegal, to moderately strong in Kenya with Benin and Ghana falls somewhere in between. In explaining the factors that accounted for this variations, (Barkan, Ademolekun & Zhou, 2004) listed contextual factors which has to do with the structure of the society, constitutional provisions and formal rules and the internal structure of the legislatures and the resources available to members. In another perspective, (Okoosi-Simbine, 2010) noted that the design of a legislature in a given political system is built upon past traditions, theory of government, character of the administration and, finally, the nature of the society the people live. In this context, therefore, legislatures vary by way of elections, bases of elections, size, occurrence and pattern of meetings and method of power distributions by the two chambers in the case of bicameral legislatures.

It is eminent at this moment that the issue of the legislature being a mere rubber stamp assembly is not limited to African continent alone it cut across other continents as well. Political scientists often make the generalization that ineffective legislatures serving as mere rubber stamp legislatures for legitimizing the decisions made elsewhere or caves of the winds given more to venting than governing are the most common type of legislature (Johnson & Nakamura, 1999; Ray, 2004).

(Okoosi-Simbine, 2010) however, noted the importance of nurturing group of legislatures so which function as an important governing partners because they represent, shape legislations, and exercise oversight over the executive arm of government. In line with this argument, (Saliu & Mohammad, 2010) asserted that a functioning legislatures in democratic states have a greater and more visible role in representing the publics, in making legislations, and exercising oversight than those of less democratic societies. Performing these functions contributes to good governance by increasing its capacity to monitor and respond to public demand and dissatisfactions, by playing a part in passing legislation capable of withstanding critical scrutiny, and serving as a vehicle for improving the degree of probity, efficiency, and responsiveness in the administration of laws (Oni, 2013)

There is a considerable variation of functions performed by the legislature identified in the literature. These include serving as an electoral-college to put governments into power in parliamentary systems (U.K.), or making decisions when election results are inconclusive or in dispute in presidential systems (U.S.). Legislatures also use apportionment formulae recognizing ethnic, religious language, and gender, economic and geographic differences for legislative representation as instruments for national integration (India, Ethiopia). Other discrete functions include; educating the electorate through public displays of competition; playing roles in executive removal (impeachment, votes of no confidence, censure); serving as a recruiting pools for other government positions (Brazil's congress and more commonly in many parliamentary systems); and providing a place where policy ideas might be "incubated" (U.S.) (Johnson & Nakamura, 1999).

While the functions performed by the legislature may vary from country to country, as posited by (Abonyi 2006; & Okoosi-Simbine 2010), however, some fundamental similarities exist among parliament.

2.1.3 The Classification of legislatures

According to (Oyediran, 1980; Johnson & Nakamura, 1999; & Ray, 2004; the legislatures are classified in to three categories across the world, these classification is based on their constitutional powers. They are as follows;

i. **Transformative Legislature:** These types of legislature have unrestricted powers to make decision and are capable of making fundamental amendments of the executive proposal. These types of legislature is referred to as budget writing legislature, because during budgets it has powers to change both revenue up and down, without the consents of the executive it is typical in presidential systems e.g. United States of America, Sweden.

ii. **Arena Legislature:** These types of legislature is capable of making fundamental amendments of the decisions of the executive proposals they scrutinized the decisions the executive and at the end the debate does not change the situation E.g. Italy, Netherlands.

iii. **Rubberstamp Legislature:** These types of legislature simply endorse the decisions of the executive, largely west minister type parliament such as United Kingdom, India, Australia and New Zealand. In this case amendment without support of government is seen as a vote of no confidence.

(Laski, 1992 ;Edosa & Azelama, 1995; Awotokun,1998 & Abonyi, 2006) enumerated the following are the major functions of the legislature:

Law making Function

Law making functions are said to be the basic primary and the most fundamental role of the legislature (Edosa & Azelama, 1995; Abonyi, 2006). (Laski, 1992), opined that the legislature has the constitutional duty for passing laws. He further averred that the legislature is the body which lays down the general rules that regulates a society. The legislature has the responsibility of making laws for the good governance of a state. These laws may emanates as private member's bills, or

may emanates from the executive branch, (Abonyi, 2006; Benjamin, 2010). (Awotokun, 1998) noted that laws made by the legislature must be in the interest of the general citizens with the sole purposes of modifying citizen's behavior and response towards a given situation, be of good quality and self-sustaining. (Abonyi, 2006) asserted that bills are expected to be thoroughly scrutinize and passed through various stages, and in the process, could be altered through addition or deletion (Ojo, 1997) however, posited that while legislation is a function of the legislature, the inputs and sometimes, the overbearing attitude of the executive and some other factors such as concessions to the opposition and other concerned groups against some aspects of proposed laws had greatly reduced the legislative powers of the legislature to a mere deliberative assembly. (Heywood 2007) also alluded to this when he stated that the twentieth century witnesses a progressive weakening of legislation power in the form of a decline of legislatures. (Heywood, 2007 & Okoosi-Simbine, 2010) noted that this situation had reduced many legislative assemblies to mere "talking shops" that do little more than rubber-stamp decisions that have effectively been made elsewhere.

Oversight

The oversight function is another fundamental function of the legislature and as reiterated by (Fashagba, 2009), it is a major component of the activities of modern legislature irrespective of the form of government in practice. (NDI, 2000) posited that oversight is perhaps the most important function of any legislature. The importance stems from the continuous wielding of enormous powers by executive leaders. (Saliu & Muhammad, 2010) defined legislative oversight as a process by which the legislative body takes active role in understanding and monitoring the performance of the executive arm and its agencies. The legislature has the responsibility of overseeing the work of the government and holds it responsible for its actions and omissions (Fashagba, 2009; Okoosi-Simbine 2010). Similarly, (Edosa & Azelama, 1995) described this function as maintaining surveillance over the activities of the executive. Adebayo, 1986) sees legislative oversight as a check on the executive by scrutinizing and examining the activities of the Chief Executive,

government department and agencies. According to the (Commonwealth Parliamentary Association 2002), the principle behind the legislative oversight of the executive activity is to ensure that public policy is administered in accordance with the legislative intent. In view of this principle, the legislative function does not end at the passage of bills. Oversight is, therefore, the obvious follow-on activity linked to lawmaking (NDI, 2000). When participating in lawmaking, it is the responsibility of the legislature in ensuring that such laws are being implemented effectively through the oversight functions of the legislature, Woodrow Wilson argued that:

It is the responsibility of a representative body to examine carefully into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress has and uses every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served. The informing function of Congress should be preferred even to its legislative function (cited in Simmons, 2002).

The India Constitution (Eighty-eighth Amendment) Act 2003 states that the executive arm of the government (Council of Ministers) shall be collectively responsible to the Legislature (House of the People). This means that legislature should oversee the activities of the government and hold it responsible for its actions and omissions. The oversight function allows the legislature to monitor the policy implementation process in order to expose any fault and act to correct misinterpretation or maladministration. The legislative process is, therefore, an instrument for checks and balances (Roberts, 2002). Thus, the concept of oversight function of the legislature exists as an essential component to the law-making process. Examples of areas of oversight function of the legislature over the executive are in financial activities and confirmation of appointments of key officials in government such as ambassadors, ministers/commissioners judges and so on. According to (Lafenwa & Gberevbie, 2007) effective legislative oversight enhances the accountability, efficiency and fidelity of the government.

Representation

(Awotokun, 1998) posited that representation is the fundamental role of the legislature, considering the fact that the complexity of modern governance has made it practically impossible for the people to directly manage the affairs of the state as it was the case in the early Greek CityStates. He averred that the legislative institution serves a mechanism through which the citizen interest and diversity are represented and guaranteed a say in the scheme of things. In a similar dimension (Edosa & Azelama, 1995) observed that the representation function of the legislature guarantees citizens the opportunity to have a say in government. Different groups in a society are represented in the legislature which gives those groups the opportunity of articulating and advancing their interests and concerns. (Simmons, 2002) viewed the legislature as representing the interests of their constituencies.

(Edigheji, 2006) argued that the idea of representative assembly dates back to the latter centuries of Rome, when the Prince was regarded as the representative of the Roman people. Legislators (Roberts 2002), espoused that legislators play dual representational roles. First, they represent their people in government, and second, they represent government in their constituency. As an arm of government, the legislature is the forum for the representation of the electorate (Davies, 2004). Political representation, according to (Saliu & Muhammad, 2010) is a central component of democratic governance. It is a key institution, machinery and process of a democratic government. This is because the fulcrum of legislative activity is expected to be the articulation and aggregation of diverse interests of the represented constituencies into the policy process of government. The representation function of the legislature thus enhances the legitimacy of public policy, reduces alienation, reduces estrangement between the government and the governed as well as enhances the stability of a democratic system (Edosa & Azelama, 1995).

Financial Function

Financial function is also a vital responsibility of the legislature is its financial function.”(Power of the purse”) The legislature has the responsibility of authorizing the expenditure of the government. (Ekhatior & Chima, 2015) posited that all government expenditure (except a few items specified in the Constitution) need to be approved by the legislature. This is usually done through the annual budget process. Additional expenditure may also be approved through supplementary budget demand. (Lafenwa & Gberevbie, 2007) viewed this function as a catalyst for sustainable democratic governance. According to them, the responsibilities of the legislature involves among others, the control of public expenditure and taxation. They observed that the legislature must be able to control the management of public funds in order to provide the basic infrastructures and social amenities required to better the life of the entire citizenry.

Furthermore, while some scholars see the legislature in some political system as having wide powers and exercises real power in respect to various decision-making processes, some others see the institution as a mere rubber stamp assembly for legitimizing the decisions made elsewhere (Adebo, 1988; Burnell, 2003;).

2.2 The Executive

The executive is the irreducible core of government operations (Heywood, 2007). Similarly (Laski, 1992) posited the executive as having occupying a very crucial position in the administration of any given state. (Laski, 1992) further noted that the executive in all democratic systems exists to formulate policies and decides on those to be submitted to the legislature for approval. It is its business of the executive to see to it that the public services maximum adheres to the policy as approved by the legislature; and finally, it ensures that it delimits and also coordinates the activities of the different departments of state. It is on this note that (Puke, 2007) viewed the executive arm of government as being responsible for providing good and responsible governance for the state. (Edosa & Azelama, 1995) also conceptualized the executive as the implementation arm of

government. They argued that from ages, making and enforcement of rules through the executive have been the primary functions of government. They however, noted that while political structures have existed for centuries without separate agencies for making laws, state structures without executive organ will be hard to come by. (Heywood, 2007) supported this argument that political systems can operate without Constitutions, assemblies, judiciaries, and without political parties, but cannot survive without an executive arm to formulate government policy and ensure that they are implemented.

(Anifowose, 2008), further stated that the executive is the arm of government responsible for applying the authoritative rules and policies of a state. The executive implement the constitution, statutes, decrees, treaties, i.e., of the land gives effect to the will of the state. Furthermore, he observed that the executive carried out two basic functions which include ceremonial role and control of governmental administration. These two functions are carried out by the executive as the Chief of the State and as Head of Government respectively. (Anifowose, 2008) concluded that these two roles are performed by two distinct officials in a parliamentary system of government and by the same official in a presidential system of government. (Ikoronye, 2005) averred the executive as the organ of government which takes the responsibility of putting into effect the laws made by the legislature subjecting same to the judgment and orders of the judiciary. (Abonyi, 2006) in a similar dimension viewed the executive as that arm of government which is the teeth of action to the will of the state by carrying out or executing the laws of the land as contained in the constitution, statutes, decrees, treaties, charters etc.

(Garner, 1998) posited the executive organ as embracing the aggregate of all the functionaries and agencies which are concerned with the execution of the will of the state as that will have been formulated and expressed in terms of law. According to his definition, the executive comprehends the entire government institution. That is tax collectors, inspectors, commissioners, policemen and perhaps the officers of the army and navy are a part of the executive organization. Similarly,

(Oyediran, 2003) defined the executive as the totality of all functionaries and agencies, which are concerned with the implementations of the will of the state. (Heywood, 2007) also defined the executive as the branch of government that is responsible for the execution or implementation of laws and policies made by the legislature. He sees the executive to extend from the head of government to the members of the enforcement agencies and includes both the ministers and the civil servants. (Heywood, 2007) further classified the executive into political executive and bureaucratic executive, this according to him, highlights the difference between politicians and the civil servants, and more broadly, politics and administration. In his final analysis, Heywood posited that more commonly, the term executive is now used in a narrower sense to describe the smaller body of decision-makers who take overall responsibility for the direction and coordination of government policy.

(Fasagba, 2010) espoused the executive as strategically important to the attainment of democratic goals

2.2.1 Functions of the Executive

(Edosa & Azelama, 1995) asserted that the executive arm of government performs broad functions resulting from the increasing demand of complexity of modern governance. These functions, they observed, are large to the extent that even the legislative and judicial functions cannot be completely distinguished from the formulation and implementation of policies which the executive operates, (Abonyi 2006) also lends his credence to this view as he posits that there are many parts to executive powers. He noted that these powers appear to have increased in most political systems. According to him, The British Prime Minister is referred to as “Primus

Interpres” which means first among equals. In recent years, however, the Prime Minister of Great Britain has grown beyond the status of simply functioning as first among equals. (Heywood, 2007), in the same vein affirms the enhanced and widening role of the executive as a result of the

increasing responsibilities of the state in both the domestic and international realm. (Abonyi, 2006) further stated the factors responsible for the increasing powers of the executive which include the growth of a disciplined party system especially in a parliamentary system, the considerable influence of the Chief Executive over the legislature, the executive control of his cabinet and his power to determine policy lines of the nation, national emergency and terrorism and the single nature of the executive position. (Anifowose, 2008), however, espoused the powers and functions of the executive into three categories; legislative, administrative and judicial functions.

Legislative Functions

The executive carries out legislative functions by recommending and initiating bills to the legislature for consideration. It also exercises legislative powers through delegated legislation by the legislature, the executive can issue statutory orders and rules necessary to meet prevailing circumstances. Furthermore, in a parliamentary system, the executive performs the political function of summoning, proroguing and dissolving the legislatures (Anifowose, 2008). The power of veto is also a legislative function of the executive most commonly in the presidential system of government (Abonyi, 2006).

Administrative Functions

The executive is the arm of government saddled with the responsibility to coordinates, controls and administers the affairs of the state as well as directs, supervises and coordinates the implementation of law for good of the society (Abonyi, 2006). Furthermore, the executive appoints, controls, disciplines and removes the higher administrative officers. Such appointments, however, are subject to the confirmation by the legislature. Another administrative function (Anifowose, 2008) stated is the control of military forces, by this function, the Chief executive is the commander in chief of the army and has the power to declare war against external aggression and internal insurrection. He has the responsibility of declaring a state of emergency in the country. Another administrative function is the conduct of foreign affairs. Further to the administrative functions of the executive is the

determination of foreign policies direction of the state. The Chief Executive as well, represents the country in international assemblies and conferences and negotiates binding treaties with foreign nations. But the treaties may require the ratification of the legislature for their validity (Abonyi, 2006).

Judicial Functions

The executive judicial functions include issuing prerogative of mercy on offenders of the state. Such prerogative may include reducing a judicial sentence already passed on an individual who had committed an offence, relieving a person from the legal consequences of crimes committed or delaying execution. The chief executive can also issue a proclamation of amnesty on specific class of persons thus freeing them from the legal consequences of their actions (Abonyi, 2006; Anifowose, 2008).

2.2.2 Types of Executive

Literature revealed numerous ways in which the executive are categorized, (Crossman, 1972 ; Almond & Powell 1975) categorized the executive into two; that is the political executive and the permanent executive, parliamentary and presidential (Abonyi, 2006 ; & Anifowose, 2008) also classified the executive to be either titular executives, single or collegial executives, parliamentary or non-parliamentary. He opined that a titular executive is the type who serves as a symbol of unity and performs ceremonial duties, thus relieving the real executive - head of government, of numerous engagements thereby enabling him pay attention more on issues of governance. He, however, has the right of information and consultation by the head of government about public issues. This type of executive is found in Britain, Australia and India. According to (Abonyi 2006), the President or Governor-General in many parliamentary systems generally performs symbolic and ceremonial functions. In his analysis he noted that Dr. Nnamdi Azikiwe between 1961 and January 1966 played this role in Nigeria. The real executive, on the other hand, is the head of government who is responsible for daily governmental administration. The cabinet headed by the Prime Minister is the

real executive in a parliamentary system while in a presidential system, is the President who also serves as the head of state, thus combining the two functions (Abonyi, 2006; Anifowose, 2008).

The executive has also been classified as monocephalous having single executive or dicephalus having a dual type of executive. The third type of the executive under this classification is referred to as collegial where no single person serves as the Chief Executive (Appadorai, 1975; Ball, 1977; Nwabueze, 2004 and Anifowose, 2008). In monosepalous type of executive, a single executive - the President, who is both the Head of State and the Head of Government, possesses both ceremonial and real executive power. All other executives – cabinet ministers are responsible and subordinate to him. This is characteristic of a presidential system of government. (Anifowose, 2008) argued that the advantage of the single executive is that it secures the unity, singleness of purpose, energy and promptness of decision necessary for the executive. This, he observed that, is common during cases of emergency when there is a high need for unity of control. The President of United States of America has been seen as an outstanding example of the monosepalous type of executive (Anifowose, 2008).

The executive can also be dicephalus or a dual type of executive in which the Head of State is different from the Head of Government, a common feature of a parliamentary system of government where the Head of State holds ceremonial headship while real executive power is in the Head of Government called the Prime Minister. Alternatively, the executive may be collegial.

The collegial executive according to (Appadorai, 1975; Ball, 1977 & Nwabueze, 2004), exist where no single person serves as the Chief Executive of the state. (Anifowose 2008) also shared a similar view. He described a collegial executive as the one in which executive powers are performed by a council or a cabinet. The number constituting the cabinet varies from seven to fifteen. He however viewed the collegial executive system as safer than the single executive in that it renders more difficult, the encroachment on citizens' liberty despite that there is a possibility of the system

impairing unity of control by dividing responsibility of government. Example is Switzerland where the number in the cabinet is seven.

(Crossman, 1972 ; Almond & Powell 1975) similarly viewed the executive as generally consisting of two types of officials: (a) the political executive: i.e. President, Prime Minister, Cabinet or Council of Ministers; and (b) the permanent executive or the bureaucracy which remains in office for a fixed period of tenure regardless of which government comes to power. The political executive is elected directly by the people as in the United States of America where the Presidential type of government prevails (Crossman, 1972). The President may be elected indirectly by the legislature, as in the case of India. In China, the President is elected by the National People's Congress and is the head of state and the highest ceremonial functionary of the state.

(Crossman, 1972; and Almond & Powell 1975) further classified the political executive into three categories. First, it is democratic when its members are chosen by the people and remain accountable to their constituencies. For instance, the British cabinet may be removed from office by an adverse vote in the House of Commons. The American President can also be removed from office, not through a vote of no-confidence but by the process of impeachment. The second classification involves the totalitarian state where the real executive cannot be removed by the people or their chosen representatives. (Crossman, 1972) stated that people in such state have no freedom to criticize or censure the conduct of the government. The third category involves the colonial executive in which the executive acts under the authority of the colonial government.

Further classification of the executive is the monarch and the republican. (Anifowose, 2008), noted the monarchical type of executive is the one whose position as the head of state is hereditary and wields legislative, executive and judicial powers. He concluded this analysis by noting that, most states have, however, replaced the absolute monarch with a constitutional monarch who performs symbolic and ceremonial functions with government formally

conducted in the monarch's name while real executive is vested in the Cabinet headed by the Prime Minister.

2.3 Factors Influencing the Pattern of Executive-legislature Relationship in the Budget Process

(Lijphart, 1999) asserted that there are three sources of executives powers of the president in a presidential system and these powers that are derived comes from three sources and these determine the executive relationship with the legislature. There are:

i. . Constitutional source

This is the source of the powers of the president as defined by the Constitution. This constitutional power consists of reactive powers, especially presidential veto power and proactive powers which is the ability to legislations through the use of executive orders in some circumstances.

ii. . The support and unity of his political party in the legislature

The support and unity of the president political party in the legislature is another source of power of the president in relations to the legislature. The analysis of (Lijphart, 1999) espoused that party discipline is a determinant of executive-legislature relations. He averred that, the strength and unity of presidents' parties in the legislature will affects his power relations to the legislature. iii. The direct popular election mandate.

Following the three sources of the power of the president outlined by (Lijphart, 1999) above (constitutional power) and (direct popular election mandate) sources hinged on the constitutional structure. Hence (Lijphart, 1999) viewed this institutional arrangement as a factor determining executive-legislature relationship pattern in the entire scheme of governance which include the budget process especially in a presidential system of government.

2.4 Gap in the literature

The review of extent literature on executive- legislature relationship in the budget process in the presidential system of government provides the framework for the relationship between the two arms and the way they relate was equally reviews. It also applies the relevance theory that provides the lens to the assessment of executive-legislature relationship in the budget process as it is studied and provides the desired understanding.

It is evident from the previous studies by scholars on executive-legislature relationship in the budget process has consistently emphasis on the formal pattern of the relationship between the two arms of government as provided for in the Constitution without identifying the relevance of informal structure as equally important stakeholders in executive legislature relationship as it relates to the budget process in Nigeria. However, the need for attention to be paid to the fact that part of the informal design can weight a lot of influences in the pattern of executive- legislature relationship especially the political parties, civil society organization, religious bodies, labour unions, traditional institutions etc. Could have a fundamental role and influence in executive legislature relationship especially mediation role considering our diversity both ethnicity, cultural and religion.

However, what researchers have not been able to clarify is the extent to which the important factors influence executive legislature relationship in the budget process across the world, Africa and Nigeria taking cognizance of our diversity is desirable at this point the reason been that this study will filled the gap in knowledge in the sense that poor political party management affect the pattern of executive- legislature relationship in the budget process in the face of party indiscipline and the lack of internal democracy among parties caused by inadequate management of political parties in Nigeria. These factors in the Nigeria context therefore created a gap on the dynamism of executive-legislature relationship in the budget process.

The study will fill these gaps identifies in the literature in the study of executive- legislature relationship in a general view and as well as situates the study base on the formal design on one hand and the need for informal practices that are evolving in Nigerian context.

2.5 Executive-Legislature Relationships in Parliamentary and Presidential system.

(Cheibub, 2002). Averred that scholars of comparative institutions usually confronted with the problem of which system of government is better in terms of executive-legislature relations and democratic stability under different circumstance, they alluded that the relationship between the arms of government especially the executive and the legislature varies depending on the form of government such a country operates be it presidential, parliamentary or hybrid (Lipsed, 1992 ;Riggs 1997; Lijphart, 1999; Cheibub & Limongi, 2010). Each forms of government are featured by certain fundamental rules, in the parliamentary system. These are nominal head of state whose functions are mainly ceremonial and whose political influence is restricted (Linz, 1990). Thus the head of state in a parliamentary system is known by the name president as in the case of Germany, India, Italy and Nigeria during the first republic or Monarch as it is called in Japan, Sweden and the United Kingdom (Erunke & Uchem undated) parliamentarianism as a form of government the real executive powers are exercised by the prime minister or ministers forming the cabinet (Mazi, 2007; Hankla, 2002 ;Hankla, 2002; Bardi, 2007) observed that, the legislature in presidential system tends to live more power and less executive control, while those in parliamentary systems are found to exercise less legislative powers, excessive executive control.

(Lipset, 1992) postulated that parliamentary system has long been identified to result in weak parliamentary and strong executives than the presidential system. (Schlesinger, 2004) Posited that this scenery is caused by a number of factors among which is the fact the executive is drawn from the legislature and strong party discipline is fundamental to ensure the survival of government in parliamentary systems.

However, the opinion of scholars like (Verney, 1992; Lipset, 1992; Linz, 1994; Lijphart, 1999) of the scholars is that the system of government under which a country operates essentially influences the structure, the nature and the type of executive- legislature relationship. This is curtailed as each form of political structure is characterized by largely different principle that gives incentive to and consequently the behaviors of the political gladiators determine the nature of relationship between the executive and the legislative powers of both arms of government. (Lipset, 1992 et .al, 1992) concluded that each system assigned certain fundamental privileges and responsibilities to the executive and the legislature respectively, while additional factors encourage cooperation or rewards confrontation between the arms. In view of this, each system has ambiguities that enable assertive or ambitious executive leaders to extend their influence. (Verney, et.al, 1992) averred that, institution features that differentiate these two forms of government and the consequence those features project for executive-legislature relationship.

(Linz, 1994) summarized that the presidential system of government is more prone to executivelegislature conflicts, squabbles and wrangle than the parliamentary system and that because of the separation of powers between the executive and legislature.

The legislature in presidential systems generally has well-developed independent agencies to provide them with the needed information about policies ideas bills statues and the actions of the government while often rely on the executive to provide them with information which tends to weaken their capabilities to criticize the activities of government.

2.6 Executive- legislature relationship during the Colonial Period

The British colonial administration established the legislative and executive colonies in 1862 for the colony of Lagos. The legislative body comprises of the colonial governor, six officials, two Europeans and two Nigerians, where were unofficial members. The legislative council was a mere

advisory body to the and was supervised by the executive (Kaiser, 2005). The executive council was established for the whole of Nigeria and headed by the governor who was also the president of the legislative council (Ehinder, 1991) with the amalgamation of the Colony of Lagos with the southern and northern protectorates in 1914, a Nigerian council which existed side by side with the legislative council that was established.

The council comprised of 36 members, out of which 23 were Europeans official, 7 Europeans businessmen, and 6 Nigerians mainly traditional rulers. These legislative bodies were however, not law-making institutions as the British created them to be deliberative House and therefore performed no legislative functions (Nwabueze, 1982). However, it pertinent to state that there was completely no executive- legislature relationship in the financial operations of the Colonial Government within that period. (Crowther, 1980) alluded to this when he stated that both the Nigerian Council and the legislative Council despite its large composition and representation of the entire nation, still it has no powers over legislation and finance, rather it restricted itself to the discussion of the yearly addresses of the Governor General.

2.7 The Stages in the Budget Process

The budget process is made of four stages and each stage the Constitution assigned the role to the arm of government that should perform such functions. The four stages are divided between the executive and Legislature. The stages are; formulation, enactment/approval, execution, monitoring, evaluation and auditing. Budget formulation and execution are exclusive responsibility of the executive, while enactment/approval is also exclusive responsibility of the legislature. The last stage in the budget process is evaluation, monitoring and auditing is a share responsibility between the executive and legislature, however the Constitution mandate the legislature to hold the executive accountable through it oversight over the executive using the committee system especially the PACs of the legislature.

A diagrammatic presentation of the activities in the budget process is presented below;

The diagram in figure 2.1 shows the entire activities in the budget process from the beginning to the end of the process and the actors or facilitators among the two arms of government the executive and the legislature

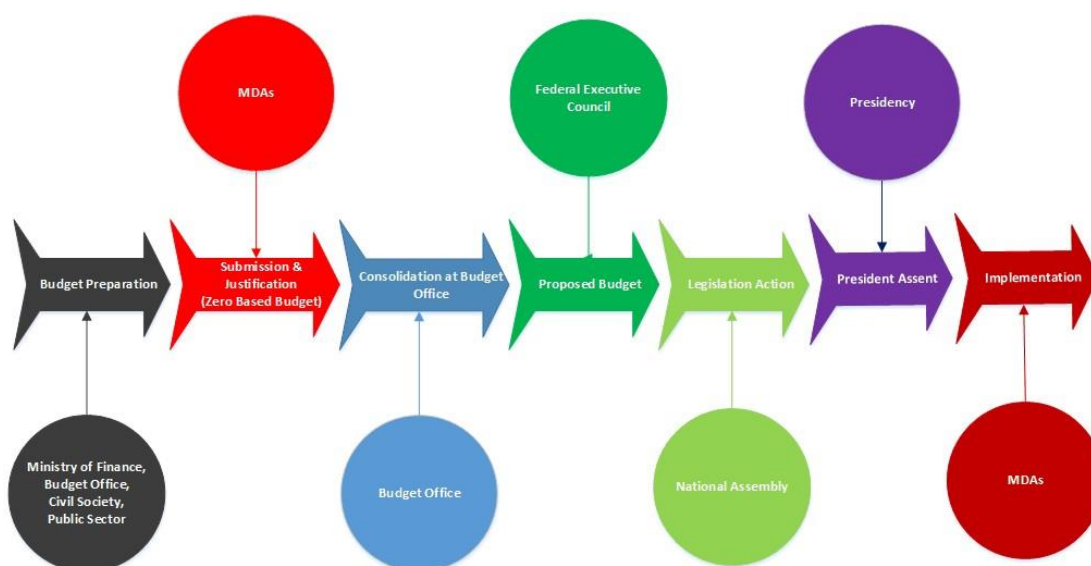


Figure 2.1 The Stages of the Budget Process

SOURCE: (CSEA, 2018)

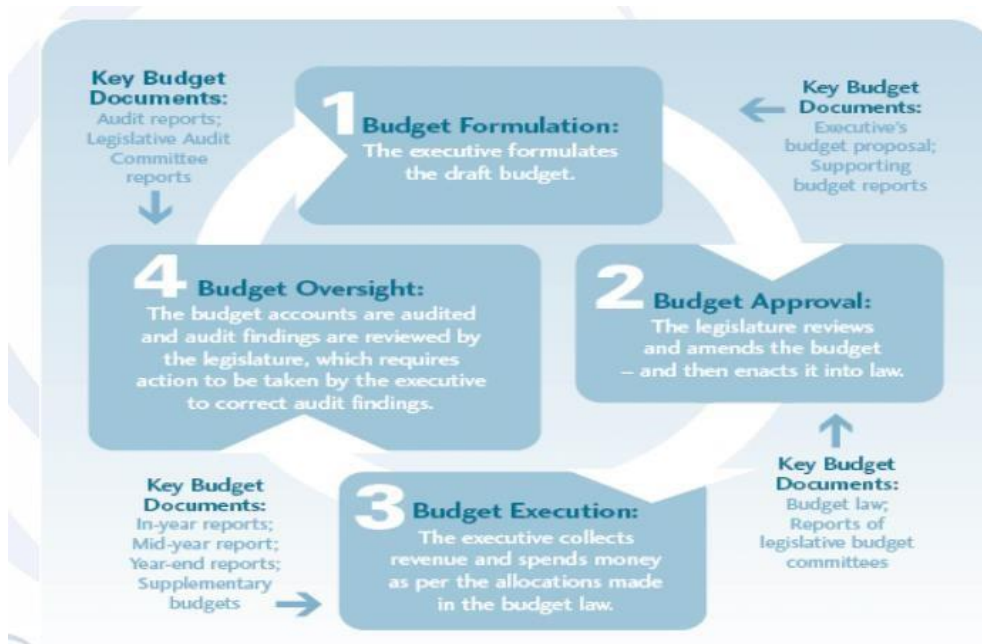


Figure 2.2 The activities in the Budget process

Source: (IBP, 2014)

2.8 Stages of Budget Process in the Legislature

The budget process in the legislature of any fiscal year begins with the submission of the medium Term Expenditure Framework (MTEF), and Fiscal Strategy Paper (FSP) by the president in accordance with the Fiscal Responsibility Act (2007) for a three-year period.

In considering money bill, which is normally presented before the joint session of the National Assembly as the Appropriation Bill, the president of the Federal Republic of Nigeria address the joint sitting of the National Assembly in the course of the presentation? The above process usually commerce through a motion moved in this regard to enable the president or the representative to carry out this National Legislative Assignment. (Ojo, 1997; Ahmadu, 2001; Osafo-Kwako & Apampa, 2009 ; Ekeocha, 2012 ; Sam-Tsokwa & Ngara, 2016) **First Reading:**

As soon as the Appropriation Bill is presented by the president to the National Assembly (usually at the joint session) thus, the Senate/House of Representatives rules provides that ‘on presentation,

the Bill shall be deemed to have been read the first time and a date be fixed for commencement of the second reading'' and the Rule 92 (1b) of the senate and house of representative standing rules. (Ojo, et. al, 1997)

Second Reading

The Senate or House of Representative Leader moves a motion that the appropriation Bill is read the second time which is usually seconded by the minority leader, during the second reading, the debate shall be confined to the financial and economic state of Nigeria and the Government financial policy. Detailed items in the estimate may not be debated on the second reading under rule 93 (3) Senate and House of Representatives, the practice is that a few days or three are usually set aside for members to make contributions. (Ojo, et. al, 1997)

Committee Stage

Rule 92 (4) of the Senate and House of Assembly is relevant here'' when the bill has been read the second time, it shall be committed to the Appropriation Committee the standing Committees of the Senate/House shall for this purpose be deemed to be the sub-committees of the Appropriation Committee and shall consider estimates for the ministries, Departments and Agencies which come under their charge'' At this stage of the Bill, the Appropriation Bill is sent to the Senate/House standing Committees (sub-committee) with corresponding jurisdiction over the agencies to the process and report to the Appropriation for defense and collection.(Ojo, et, al. 1997)

Committee of Supply

On the day allotted Legislative day, the Rules and Business Committee will fix a date for the appropriation Committee to present its report to the senate at the plenary for deliberation at the Committee of the whole usually referred to as ''Committee of Supply'' where deliberations (consideration of the clauses and schedules) on the appropriation is taken for presentation at the

committee of the whole, the Senate and House (at this point) automatically assumes the Committee on Supply. (Ojo, et. al, 1997)

Third Reading

After the report of appropriation committee is considered and accepted in the community of supply and same is being reported at the committee of the whole and accepted by the members.

The bill proceeds to be read the third time and passed as the Appropriation Act by the Senate and House of Representative. (Ojo, et.al, 1997)

Conference Stage

This occurs when the Appropriation Bill passed by each Chamber of the National Assembly differs in figures. The two chambers will mandate their finance committees to interface with each other to harmonize the differences. This applies to general bills also, because what is passed by each Chamber must identical to the other chamber. Thereafter, the clean Bill will be sent to the Clerk to the National Assembly for onward transmission to the president for assent. However, because the constitution requires the President to lay the Appropriation Bill in each of the two Houses, there is no question of one House transmitting the bill to another House for concurrence. Rather, where one Chamber passes the Bill and the other fail to pass its own two months after the commencement of the financial year, the senate president is required by Section 59 (2) of the constitution to convene a meeting to resolve the differences between the two Houses. Where however the Joint Finance Committee fails to resolve the differences, the bill shall be presented to the National Assembly sitting at a joint meeting and if the bill is passed at such sitting, it shall be presented to the President for assent. A resolution by the Joint Finance Committee shall be adopted by each Chamber otherwise it shall be null and void in view of the provision of Section 64 (4) of the Constitution. (Ojo, et. al, 1997)

Assent to a money bill is regulated by Section 59 (4). Where a money bill has been passed in identical form by the National Assembly, the Clerk is required to forward same to the President for assent. The President has 30 days within which to signify assent, withhold or do nothing. At the expiration of the 30 days, if the President fails to give assent, the bill shall be represented to the National Assembly sitting at joint meeting and if passed by two-thirds majority of both Houses at the joint meeting, the bill shall become law (Ojo, et. al, 1997)

Monitoring, Evaluation and Auditing

The last stage of Legislature involvement in the budget process is oversight and auditing. This is in accordance with section 85/121 (CFRN) 1999 as amended and rule 95 (2015) of both Chambers respectively empowered the Public Account Committees (PAC) and other legislative Committees with powers and functions to serves as a mechanism or tool for the accountability of government agencies by the legislature and carryout inspection tours to ascertain the levels of projects implementation and its compliance with the appropriation act. The Public Account Committee received reports sent to it by the Auditor General office of the Federation of Agencies that has committed financial infractions as it affects Government funds spending. Ojo, et al, 1997)

2.8.1 Stages of Budget Process in the Executive

Budget Planning and Formulation

The budget office of the Ministry of Finance develops the budget in accordance with the Federal Government's fiscal policy. The Budget Office meets early in the fiscal year with key revenue generating agencies (including the Federal Inland Revenue Service, Nigerian Customs Service and the Nigerian National Petroleum Corporation (NNPC) as well as key economic agencies including National Planning Commission(NPC), National Bureau of Statistics (NBS) and Central Bank of Nigeria (CBN) to assess and determine trends in revenue performance and

macroeconomic indicators and the implication of such trends for the next three fiscal year. This discussion leads to the preparation of a Medium-Term Revenue Framework (MTEF) pursuant to which projected revenue from various oil and non-oil sources is determined over the medium-term. Following this determination with respect to revenue, the Medium-Term Expenditure Framework (MTEF) is developed outlining key areas of expenditure (statutory transfers, debt services, MDAs' Expenditure) as well as the projected fiscal balance. If this fiscal balance is a deficit, sources of financing this deficit are also considered. MDAs' expenditures comprise both capital and recurrent expenditures. Since 2005, the Government has used the Medium-Term Sector Strategies to prioritize and align the capital expenditure of large-spending MDAs with the development objectives of the Government. (Osafo-Kwako & Apampa 2009: Okogu, 2011: Ekeocha, 2012 ; Suleiman, 2015).

The MTEF is further developed into a formal Medium-Term Expenditure Framework Report, which includes the Fiscal Strategy paper and MDAs expenditure ceilings. This formal MTEF/Fiscal Strategy paper in fulfillment and compliance to the Fiscal Responsibility Act (2007) to be presented by the Minister of Finance, first to the Federal Executive Council for approval and onward transmission to the National Assembly for consideration and approval (Osafo -Kwako & Apampa, *et .al*, 2009).

Budget Call Circular and Preparation of the Executive Budget Proposal

Once the MTEF, Fiscal Strategy paper and MDA's expenditure ceilings have been approved by the Federal Executive Council, the Budget Office, under the supervision of the Minister of finance, issues a "Call Circular". The Call Circular instructs the MDAs to allocate their allotted capital expenditure ceilings across their existing and new projects, programs and other initiatives. MDAs are also required to submit estimates of their recurrent expenditure requirements for personnel costs and overhead. The budget office evaluates and consolidates the submissions of the various MDAs and prepares the draft budget. This process most times, takes place between

July and August every year (Osafo-Kwako & Apampa *et. al*, 2015)

Presidential Submission to the National Assembly

After the draft budget is presented by the Minister of Finance to the president for approval. The approved budget, together with supporting documents, is formally presented by the President to the National Assembly for consideration and appropriation, typically at a joint session of the

Senate and the House of Representatives (Osafo-kwako & Apampa *et. al*, 2019)

Implementation/Execution Stage

This stage in the budget process in the action stage it involves the release of approval estimate to be MDAs to implement the appropriation Act passed by the national Assembly. This stage in the budget process is purely driven by the executive arm of government. As earlier mentioned, it is regarded as an action stage, because it requires translation of policy statement in to concrete programmes of government (Okogu, 2011; Suleiman, 2015)

In fact, it is at this stage that the actions and inactions of government are felt by the citizens. This level in the budget process is critical to government and it is at this level that good governance is anchored and adjourns to have been delivered to the citizen by the government. That is why the chains of activities at the level provide the necessary inputs or basis for the last stage in the budget process which is auditing and evaluation stage (Osafo-kwako & Apampa *et. al*, 2019)

Auditing and Evaluation Stage

This stage in the budget process involves a joint responsibility of the executive and the legislature, the executive arm through the budget office of the federation, office of the Accountant General of the Federation and the National Planning Commission carryout periodic assessment of the performance of the budget in any fiscal year. It is pertinent to state that the roles of the executive and the legislature and as well as their relationship in the budget process are constitutionally premised. Section 81 (1) of the Constitution of the Federal Republic of Nigeria,

CFRN 1999 (as amended) states *inter alia*, “the President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year.” (Fajingbesi, 2018) asserted that while the budget preparation process is provided for in the Constitution and extant laws, the mode of passage by the National Assembly is stipulated in the Standing Orders of both Houses (Senate Standing Order, 2011, Order 96; House of Representatives Standing Order, 2011, Rule 97, Order 60) respectively.

Table 2.3 shows the summary of the institutional functions assigned to the executive and the legislature in the budget process by the 1999 (CFRN) Constitution as amended

Table 2.1 Summary of activities in the Stages of Budget Process and the facilitators

STAGE	FACILITATORS
Formulation	The EXECUTIVE, is mandated by section 81(CFRN) 1999 steers the process. The budget office in the federal ministry of finance, budget and national planning play a critical role at this stage.
Approval/Enactment	The NATIONAL ASSEMBLY (the legislature) reviews, amends and approves the proposed budget. The Appropriation Committees in both houses and their sub-committees play a critical at this stage.

Implementation/ Execution	Budget is returned to the EXECUTIVE as an Appropriation Act for Presidential Assent and implementation with thorough LEGISLATIVE oversight by the NATIONAL ASSEMBLY. The Federal Ministry of Finance, Budget and National Planning ensures that funds are released in line with the Appropriation Act and governments' Budget Implementation Review Reports (BIRR) compiled and circulated to the relevance agencies including the legislature
Audit/ Evaluation	The AUDITOR GENERAL office produces an Annual Report that will be tabled in the LEGISLATURE through its Public Accounts Committees (PACs) which play a post-mortem function of oversight as provided in the Constitution.

Compiled by the researcher

2.9 The legal Framework Establishing Executive -Legislature Relationship in the Budget Process

The legal framework for budgetary process in Nigeria is found in the Constitution of the Federal Republic of Nigeria (CFRN) in sections 59 (4) 80-82, Fiscal Responsibility Act, 2007 and other subsidiary legislations.

The Constitution

The Constitution further established the framework for the relationship among the three arms of government, mostly between the executive and the legislature in all aspects of their functions in the operations of governance which includes the budget process which is a fundamental policy tool of any government.

However, section 81 (CFRN) states as follow:

The president shall cause to be prepared and laid before each House of the national Assembly at any time in each financial year estimate of the revenues and expenditure of the federation for the new following financial year (sub-section 1) Also subsection (2) states thus:

“The head of expenditure contained in the estimates shall be included in a bill to be known as appropriation bill providing for the issues from the consolidated revenue fund of the sum necessary to meet that expenditure and the appropriation of those sums for the purpose specified therein”.

The former constitution also envisaged a situation where in respect of any financial year it is found that the amount appropriated by the appropriation Act for any purpose is insufficient or a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act made provision to address such in (sub-section 4) which stipulates; in this case A supplementary estimate showing the sums required shall be laid before each house of the National Assembly and the heads of any such expenditure shall be included in a Supplementary Appropriation Bills”.

The Constitution in section 82 provides that when the Appropriation Bill in respect of any financial year has not been passed in to law by the being of the financial year. Section 82 provides as follows;

“The president may authorize the withdrawal of moneys in the consolidated Revenue Fund of the federation for the purpose of meeting expenditure necessary to carry on the services of the Government of the federation for the a period not exceeding Six months or until the coming in to operation of the Appropriation coming in to operation of the Appropriation Act, whichever is the earlier, provided that the withdrawal in respect of any such period shall not exceed the amount authorized to be withdrawn from the consolidated Revenue Fund of the federation under the provisions of the Appropriation Act passed by the National Assembly for the corresponding period in the immediately preceding financial year”. However, this constitutional provision has been spotted to be one of the major causes for the delay in our budget process. The above provision had

attracted a lot of criticism from scholar a situation (Sam-Toskwa & Ngara, 2016) asserted as “the dilemma of the Nigerian National Assembly in the budget and Appropriation process and which for the executive it is a win-win situation”.

(Sam-Toskwa & Ngara, 2016) further argued that, if this provision was not provided by the constitution the executive and the legislature would have been working round the clock for timely presentation and passage of the National Budget and thereby making the budget process more efficient. However, for this provision I aligned with the views of (Abdurasheed & Kinge *et.al*, 2015) that the Constitution intends to provide for preventing one arm of government from holding the entire state or another arm of government to a standstill situation or a total shutdown like provisions in the American system.

Also in addition, the Constitution empowered the National Assembly with powers to make provisions for the establishment of a contingencies fund for the Federation. Which the president can draw fund when there is an urgent and unforeseen need for expenditure for which no other provision exists. However, even where such has occurred a supplementary estimate shall be presented and a Supplementary Appropriation Bill be introduced as soon as possible for the purpose of replacing the amount so advance from the contingency fund after the approved by the National Assembly (Supplementary Appropriation Act).

The Fiscal Responsibilities Act

Before 2007, budget preparation procedure was not covered by law, rather there was guided by policy and practice. However, the pre-budget statutory demand gave rise to the enactment of the fiscal responsibility Act (FRA) 2007 to fill the vacancy.

Section 12 (FRA), 2007 made the following provision;

The Federal Government after consultation with shall the states:

not later than six months from the commencement of this Act, cause to be prepared and laid before the National Assembly for their consideration a medium term expenditure framework for the next three years

- i. The framework so laid shall be considered for approval with such modifications if any, as the National Assembly finds appropriate by a resolution of each House of the National Assembly.

Section 19 (FRA) 2007 further stated as follows:

- ii. Notwithstanding anything to the contrary contained in this Act or any other law the medium term expenditure framework shall:
 - iii. Be the basis for the preparation of the estimates of revenue and expenditure required to be prepared and laid before the National Assembly under section 81 (1) of the constitution
- iv. The composition and distribution of the estimates of expenditure referred to in subsection of this section shall be consistent with medium term development priorities set out in the medium term expenditure framework. In conclusion, the fiscal responsibility Act (FRA)

2007 provides for the preparation of the MTEF by the executive arm and its approval by the legislature. And the MTEF is proclaimed to be the basis for the preparation, of the budget estimates which the president is constitutionally mandated to be laid before the National Assembly. The FRA (2007) in line with the Constitution of the Federal Republic of Nigeria still maintained established framework for the relationship between these two arms of government in the budget process.

2.10 The Challenges of the Budget Process in Nigeria.

- i. The over bloated nature of the budget. This posed a great challenge to our budget because of poor funding of projects across the country, instead funding the ongoing projects to completion, they are rather abandoned and new projects are introduced, thereby increasing the risk of abandonment. (Suleiman, 2015)
- ii. The large sizes of the recurrent expenditure especially the personnel cost (wage bill) leading to the budget being skewed to the recurrent expenditure, while capital expenditure suffer inadequacy of funds. (Suleiman, 2015)
- iii. Poor information sharing

between the legislature and the Executive arm on the issues bordering on the economy especially as it relates to the provisions that are specified in the

Fiscal Responsibility Acts, (2007) iv. The inability of the Heads of MDAs to respond timely to invitation by the Legislative Committee to defend their budget estimates in the course of processing the appropriation bill pending before the legislature.

v. Limited capacity of the Public Account Committees of the legislature to hold the government agencies to account (CABRI, 2010) vi. Independence of the office of the Auditor General Office both in financial resources and personnel Lack of effective monitoring and evaluation framework for budget implementation (CABRI, 2010)

vii. Inadequate capacity for personnel in the unit or department that carryout monitoring and evaluation of budget execution (financial resources and human resource) (Suleiman,

2015) viii. Inclusion of projects not conceptualized by the executive (MDAs) in the budget

by the

legislature

2.11 Empirical Review

Studies in the executive-legislature relationship in the budget process has been undertaken by different researchers with a view of enhancing a joint effort and collaboration that are constitutional required in the exercise of the executive and legislative powers relating to the budget process in Nigeria in order to further strengthen performance of the two arms of government, to promote a harmonious inter-organ relationship and guarantee the independence of the legislature in the budget process.

Abdulrasheed & Kinge, (2015) carried out a study on *Executive –Legislative relations in the budget process; A study of president Obasanjo years 1999 to 2007*. The study was aimed at examining the fundamental basis of disagreement between the executive and the Legislature at the National level in Nigeria over budgeting matters. (Abdulrasheed & Kinge, 2015) attested

that a non-cooperative relationship between the two arms has ominous implications for democratic growth in budget and with the principles of separation of powers that characterized Nigeria Presidential system. The study established among other things that budgets issues have a major cause of antagonism between the executive and the legislature especially under the reigns of presidents Obasanjo. They noted that one fundamental issue that brings disagreement and often result to conflict between the arms in the budget process in the discrepancy that exist between the amount budget by the executive and the amount eventually approved by the Legislature (Abdulrasheed & Kinge, 2015) also posited that budgeting oversight have remained tension soaked in the relationship between the arms of government.

They observed that while the 1999 Constitution laid down sufficient basis for functional relationship in the budget process, reality has proved a contrasting situation. This they argue that because of the failure of both institutions to understanding and respect the boundaries of their respective powers and partly the ability of the judiciary to salvage the situation. Finally, they argued that, both arms should keep within the boundaries of their respective competencies As stipulated in the constitution.

Similarly, (Adetunji, 2018) undertook a study on *Executive-Legislative relations and budgeting process implications for democratic consolidation*. The study that is descriptive and analytical in approach, (Adetunji, 2018) noted that the functions between the Executive and the Legislature being the two major stakeholders involves in the Nigeria budgets process such clashes not only causing delay in the passage of the budget but also culminating in a breakdown of inter-governmental relations and does not depends our democracy. He argued that there is a strong connection between a good budget, economic development and democratic consolidation that a budget has a crucial role to play if the demands of the electorates and the general public

are to be met. He reinstates that today, the relations between the legislature and the executive arms of government have remained dysfunctional, conflictual and at the lowest ebb. He opined that the executive and the legislature need to learn to fully understand and appreciate their respective roles in the budget process for the substance of democracy as a whole. The practice of the appropriation bill getting stuck due to intergovernmental rivalry is counterproductive and no less a threat to sustainable growth and development. (Adetunji, 2018) concluded that the faceoff between the executive and the legislature over national budget is becoming a re-curing event; a situation accounting for an obvious lack of coordination between organs of government that are critical to service delivery. And the legislature is a key organ of democracy which at the same time capable of truncating democratic government if relationship between the two arm is not well managed. He therefore urges leaders of both arms of government need to understand their respective roles, mandates and limitations during the budgets process. He condemned the practice where the executive wields unnecessary influence on the other arms weakens democratic institution and respect and invitation to anarchy and threats to democracy. (Adetunji, 2018) recommended for due diligence and invitations of the political office holders have a direct impact on millions of Nigerians positively or otherwise by imbibing due diligence and purpose-driven leadership. The actions and inactions of political office holders have a direct impact on millions on millions of Nigeria's positively or otherwise. By imbibing due diligence and common purpose, they will be able to close the wielding gap and work for the general good of all. And the called for sanctions should be provided in our laws for delay as well as poor implementation in our Nigerian budget process.

Similarly, (Sam-Tsokwa & Ngara, 2016) conducted a study title; *The National Assembly and the Budget Process in Nigeria's Fourth Republic: Tacking the Challenges of Timeliness*: the study coined out with a view to tacking the problem of continuous late submission of appropriation bill by successive presidents to the legislative. A pattern that has always caused in the process its undergoing legislative scrutiny that will eventually lead to passage delay of

the Appropriation Acts. (Sam-Tsokwa & Ngara, 2016) averred that since the country returns to democracy in 1999 successive presidents have not been able to present the budget to the legislature 2-4 months before the beginning of the rent fiscal year. A situation which they attributed to section 81 (1) of the constitution as amended that provides for the presidential submission of the budgets to the legislature without the timeliness. The scholars also noted that the executive still violates the provisions of the fiscal responsibility Act, 2007 that was enacted as a remedy to the budget process by institutionalizing the MTEF. The FRA Act (2007) made it mandatory for the presidents to submit the Medium Term Expenditure Framework (MTEF) and Fiscal Strategy Paper (FSP) to the National Assembly for approval not later than august of every year with the aim of ensuring a collaborative effort between the executive and the legislature in the budget process that is devoid of rifts. They call for the repeals or an amendment of section 82 that deals reversionary budget and section 81 of the Constitution that has been subject to abuse by successive presidents of Nigeria. These scholars recommend among other things for the amendments of section 81(1) and 82 of the 1999 Constitution and the FRA 2007 establishing a budget law such as the US Congressional Budget and Impoundment Control Acts 1974.

Igbokwe-Ibeto & Anazodo, (2015) in their study; *Managing Executive-Legislative Working Relationship for Good Governance and Service Delivery in Nigeria*, examined the need to manage the nature of executive-legislature working relationship. In their study which was descriptive they concluded among others that, while the executive arm of government responsible for policy formulation, evaluation and execution to realized self-targets, the legislature enacts laws and make the same functional as an instrument of cohesion in the society. They argue that the relationship that exist between the two arms of government are very crucial for the facilitation of goof governance and service delivery in any democratic state. (Igbokwe-Ibeto & Anazodo, 2015) concluded that the executive and the legislature should always resort to dialogue in resolving their differences, rather than outright confrontation that usually

deadlocks the policy making and implementation process. They further identified the causes and challenges facing executive -legislature relationship in Nigeria, and concluded that these challenges are surmountable and that the executive and the legislature each must be willing to bargain and compromise in order to get policy benefit. The scholars recommended for the executive and legislative arms of government should embark on regular capacity building on basic conflict resolution and management training with a view to improving their conflicts management skills as well as their problem solving skills, they emphasize that the legislature must have the same capacity to monitor the executive, and the executive need to be willing to comply with legislature enactments. And it is imperative that the two arms of government should base their relationship on mutual respect, trust and understanding adhering strictly to the doctrine of separation of powers as contained in the 1999 constitution as amended.

In a similar way (Ekeocha, 2012) embarked on a study titled: *An Analysis of the Federal Budgeting Process in Nigeria: Implications for Institutional Reforms for Achieving Timeliness*. The study was aimed at bringing to the fore the nagging issues of late budget submission by the executive to the legislature and the attendant poor budget performance. He reiterates the importance of government budgeting in setting priorities and influencing the economy of the Nation and that the ability to make timely and useful fiscal choices is one of the hallmarks of good governance. Ekeocha's exploration advances a framework that makes it easier to identify the avenues through which the executive and the legislature can utilize the various elements of the Budget process. He concludes by proffering organizational reforms that will correct the identified lapses of timeliness in the budget process that will make budget implementation effective in Nigeria and that the executive has the primary mandate of formulation of the annual budget and presenting it to the legislature. The legislature also has the right to scrutinize proposals. (Ekeocha, 2012) noted that the Constitution is silent regarding the time frame upon which the executive will submit the budget proposal to the Legislature.

He therefore called on the Legislature to Consider the amendment of the Constitution that relates to the budget process specifically Section 81 to include the timeliness for the submission of the Appropriation Bill to the Legislature (National Assembly) and same for the passage of the Bill.

Furthermore, Collaborative Africa Budget Reform Initiative (CABRI, 2010) conducted a study; *The Role of the Legislature in the Budget Process; Country Case Study Kenya*. The study was to examine the role of the Kenya parliaments in the budget process. It provides and insight in to an understanding of the role of African legislatures and the relationship between the executive and the legislature throughout the public financial management cycle. The study adopted the interview methodology and results were obtained from the National Treasury, Parliamentary Budget Office, Auditor General and other institutions. The study outline some of the challenges in respect of how parliaments contribute to improving budget formulation, implementation of spending plans and oversight in Kenya which includes among others; lack of clear rules distinguishing the functions of the executive and legislature in the budget process, limited capacity of committees to hold government to account. (CABRI, 2010) In their study recommended among other things the following: designated clear responsibilities between the executive and the legislature in the budget process in the Constitution and other extant laws and regulations, provide parliamentary committees with adequate manpower to scrutinized budget expenditures and report in a timely manner. (CABRI, 2010) concluded that effective oversight of the budget by the legislature is essential in holding the executives accountable for the budget formulation and implementation, thereby ensuring effective service delivery to the citizens and accountability in governance.

2.12 Theoretical Framework/Review

The theories that are relevant to this study are system theory and the theory of separation of powers. The relationship between the executive and the legislature is a classical topic in political science.

This relationship has, more often than not, been studied according to the Montesquieu theory of separation of powers (Dalberg-Acton, 1949; Sabine & Thorson, 1973; Saalfeld, 1990 1992; Fabbrini 1995; Boyko & Herron, 2009; Aiyede & Isumonah, 2002; Ikoronye, 2005; Aiyede, 2005; Fasagba, 2010) and King's Theory of Modes of Interaction; Andeweg, 1992; Muller, 1993; Andeweg & Thomassen, 2003). The principle of the Separation of powers as a theoretical framework provides a useful guide to the distribution of legislative and executive powers. Nevertheless, when interpreted too rigidly and applied universally, it leads to misconception rather than enlightenment (Ball, 1977). Furthermore, as noted by (King, 1976), the Montesquieu theory of the separation of powers, though used widely in the study of interactions between the executive and the legislature, does not reflect the rise of political parties and the transformation of polities toward party democracies. (King, 1976) therefore postulated its typology of mode of political interaction.

While admitting the clarity and comprehensiveness of King's theory in explaining legislature-executive relations, the fact that this theory was based on King's study of the British parliamentary system makes the theory faulty and of limited applicability. While the theory has been used as a theoretical framework for the study of inter-branch relationships in parliamentary democratic states in Europe, the political-cum-economic experience in other continents, such as in Africa, makes the theory inadequate to explain the intrigues and dynamisms of legislature executive relationships. A more adequate theoretical approach to the study of legislature executive relations is therefore needed. Such a theory would be one that takes into account the party composition of the executive and legislature and the intra-party differences between the government or the front bench opposition, on the one hand, and the respective backbenchers on the other. Such a theory will recognize more than the two political actors constituted by the executive and the legislative powers in the Montesquieu or King formula.

The institutionalist approach has been a fundamental theoretical framework to the study of legislature-executive relationship (O'Donnell, 1994; Linz, 1994; Fish, 2001; Hammond & Butler,

2003; Valenzuela, 2004; Lijphart, 2004). This approach assumes that conflict and cooperation between the executive and the legislature are conditioned by fundamental questions of institutional design (Linz 1994). According to this theory, features of a country structures determined political, economic and social outcome in the country (Hammond & Butler, 2003). Institutions do not merely shape the strategies of actors, they also affect the probability distribution of certain political outcomes, and thus, a countries political structure therefore, has great implications on policy outcomes (Lijphart, 2004; Cheibub, 2007) while admitting the importance of institutional design as a predictor of legislature-executive relations, it is important to note that other informal institutional behavioural factors equally shape the nature of legislature executive relations observable in a political system. As argue by (Weaver & Rockman 1993; Steinmo & Tolbert, 1998; Hammond & Butler, 2003) although institutional designs affect government capabilities, several other non-institutional factors sometimes mediate the impact of institutions. A more encompassing theory that will treat a larger number of relations and produce a more complex analysis is therefore required.

(Almond, 1969) structural-functionalist approach is relevant in this context and provides a more comprehensive theoretical framework for the analysis of legislature-executive relations. It is a theory which aims at providing a consistent and integrated theory from which can be derived explanatory hypotheses relevant to all aspects of a political system (Lane, 1994). The structuralfunctional model is most associated with (Parsons, 1951) whose work was greatly influenced by (Durkheim & Chilcote, 1998). (Almond, 1969) has however, restated the scheme so drastically that he has an influence independent of Parsons (Charlesworth, 1968). According to Almond's structural-functional analysis, all political systems must perform certain requisite functions and, by comparison, one must identify which structure performs the tasks (Peter, 2005). Almond's structural-functional theory describes societal reality largely in terms of structures, processes, mechanisms and functions. In this model the parts and pieces of an organism contribute to the functioning of the organism as an entity. The functionalist tradition postulates that social systems meet certain needs and suggests that there are functional imperatives that must be met in

order for a group to survive (Malinowski, 1944; Radcliffe-Brown, 1950; Parsons, 1951). Radcliffe-Brown (1951) claimed that the rules of conduct within a society lead to a social structure consisting of defined roles that are coordinated by these rules. As these roles are enacted, they contribute to maintaining the social structure. This alignment of social relations is critical for the survival of the society.

Society can, therefore, be viewed as a system of mutually interdependent parts (Radcliffe-Brown, 1950). A change in one segment of the culture of a society results in corresponding changes in other segments of the culture of that society (Malinowski 1944; Merton, 1949). This simple model of a socio-cultural system established on the mechanical structure of the human body can indicate its in the system (Spencer, 1965). Thus no custom or institution exists within a vacuum. (Chatterjee's place of a particular element of culture or social institution with respect to other elements, 1968) identified certain characteristic features embodied in the structural functionalism approach. These are:

An emphasis on the whole system as the unit of analysis

- i. The postulation of particular functions as requisite to the maintenance of the whole system
- ii. Functional interdependence of diverse structures within the whole system
- iii. The idea of structural-functionalism approach in political science represented a vast improvement over the then prevailing mechanistic theories of David Easton and others (Varma, 1975).

Almond outlined an approach to understanding political systems that took into account not only the structural components (institutions) but also their functions within the system as a whole. Thus instead of focusing on such concepts as institution, organization, or group, Almond turned to "role and structure". Role is defined as the interacting units of a political system while structure is a pattern of interrelated roles or pattern of interactions (Chilcote, 1998).

According to (Varma, 1975), three things emerge from Almond's definition of political system. A political system is a concrete whole influencing and, in turn being influenced by the environment, the presence of a legitimate force holding it together. Interactions take place not between individuals but between roles adopted by them. The political system is an open system engaged in a continuous communication with entities and systems beyond its own boundaries.

A system, according to (Almond, 1969), is characterized by (1) comprehensives, (2) interdependence, and (3) the existence of boundaries. A system is comprehensive in the sense that it includes all the interactions inputs as well as outputs - which affect the use of physical coercion in all the structures, including undifferentiated structures like kinship and lineage, and anomic phenomena like riots and street demonstrations, and not merely the interactions which take place within the structures associated with the state, like parliament, executives and bureaucracies, and formally organized units, like parties, interest groups and media of communication.

Some critics are of the opinion that structuralism is unlikely to achieve its objectives of providing a scientific theory of the political system because of the difficulties in applying it to the analysis of the political system such as defining terms operationally and specifying which activities perform functions. They believe that Almond's structural- functionalist model presents a static model of society and, as a consequence, cannot account for change; it overemphasizes integration and, as a consequence, fails to deal with dysfunction (Charlesworth, 1968; Chilcote, 1998).

The criticisms against the theory of structural-functionalism have however, led to the subsequent work of (Almond & Powell, 1970) where the dynamism of political development was inculcated into the theory of structural-functionalism (Alexander, 1970). Almond & Powell, 1975) averred that the theory of structural-functionalism can fit many phenomena, which at first sight appear quite disparate and unconnected into one framework. It gives context for and limits at some degree of reciprocal influence among all sorts of things- people, institutions and events. It also gives a number of common denominators for comparisons among outwardly very different polities: It assumes that

whatever their institutional trappings and cultural, ideological, economic, and even chronological and spatial differences, all societies share in the performance of a number of crucial political functions. With the theory of structural-functionalism, (Almond & Powell, 1975) noted that we are encouraged to see how the same political tasks are performed in somewhat different ways in different societies and invited, as it were, to fill in the terms in an equation, having presumably mastered the rudiments of political diagnosis by learning what the equation is.

Irrespective of the criticisms against structural-functionalism, the approach provides a framework for the analysis of legislature-executive relations in this study. By this framework, the government is conceived as a social system and the executive and the legislature are political institutions viewed as structural parts or units of the political system or government. Each of these political institutions (also viewed as structures) performs explicitly specified requisite functions that contribute to the stability, continuity and survival of the political system (Ray, 2004). While the legislature is saddled with the role of law making, the executive implements the law. The various functions of these structures are however, contained in the constitution of the land.

For (Almond, 1969), a system is characterized by interdependent units. The various structures or parts or units of a system are interdependent through their structural and functional relationships. This brings to clarity the necessary mutually interdependence of the executive and the legislature through their functional interactions in the policy process (Radcliffe-Brown, 1950). While the executive and the legislature may be constitutionally or structurally delineated by their personnel's and functions, they however, necessarily collaborate through their shared functions as institutions of governance for the maintenance of the state.

Since the executive and the legislature are open systems, these relationships are influenced by internal and external environments and by the presence of a legitimate force holding them together. In line with Almond's structural-functional analysis, all political systems must perform certain requisite functions (Peter, 2005). These functions in this regards, include policy making, policy

implementation and rule adjudication which are carried out by the various arms of government. Thus structural-functionalism, as a framework for this study, provides an effective measure for assessing the different functions performed by the separate but interdependent organs of government in a presidential democracy. As emphasized by the structural-functional proponents, a study of the functions of these structural institutions is necessary for the understanding of the workings of the political system (Person, 1999).

With Almond's structural-functional theory therefore, legislature-executive relations can be described largely in terms of structure, personality, processes, mechanisms and functions. (Radcliffe-Brown, 1951) claimed that the rules of conduct within a society lead to a social structure consisting of defined roles that are coordinated by these rules. As these roles are enacted, they contribute to maintaining and stabilizing the social structure. In this regards, the alignment of the executive and the legislature to the rules of these social relations, their mutual interactions and collaboration in the policy process is critical for the stability and survival of the society.

System Theory

Systems theory is an inter-disciplinary field which studied systems as a whole. (Enemuo, 2008) asserted that David Easton is usually credited with domesticating this theory within field due to his view of political system as the system of interactions in any given society through which authoritative decisions are made and implementation (Ogundiwin, 2015).

This theory can be used to analyse and explain the relationship between the executive and the legislative especially as it relates to the Nigerian budget process. The budget process requires inputs and outputs of both the executive and the legislature arm of government in order to achieve a designed objective.

The theory which is one among other theories centers on the interaction between a system and sub-system within a holistic entity as well as in the interacting sub-system. Therefore, the essence of

system theory is to emphasize the fact that the various sub-systems must not only be implied in the right order and sequence, but that they must interact harmoniously and in a symbolic relationship to make the whole of the system function satisfactorily towards the achievement of government and societal goals. However, an ailing or defective executive-legislative relationship in the budget process on the other hand is one in which the sub system are either not interacting at all or are interacting a dysfunctional, and to antagonistic or antithetical relationship. Besides, if any of the sub system is malfunctioned, this has an adverse effect on the operations of the whole system, which then becomes an ailing system as a result of one or more defective sub-systems .The emphasis is on the fundamental need for cooperation and coordination in the management of executive-legislature relationship in the budget process that would lead to early preparation, submission, and approval to ensure full implementation of the national Budget that will promote good governance for the citizens. And the need for the three arms of government to be holistically healthy adequately positioned and expected to work in close cooperation and harmony with all the stakeholders in the budget circle.

However, there is no theory without criticisms, so systems theory is not an exception, experiences has shown that the systems theory is too mechanical while they cannot be total separation of powers among the arms of government. Government is an organic whole with shared functions. It is on this premise that the executive and legislature in Nigeria need to collaborate on all activities in the stages of the budget circle in other to achieve an efficient and effective budget process in Nigeria. The system is suitable as it is used to analyses and explain the relationship between the executive and the legislature in the budget process that leads to the preparation, enactment, implementation, execution and oversight/evaluation) of the national budget. The inputs and outputs of both arms of government in the process which are the executive and legislature in other to attained the desired outcome (effective and efficient budgeting process in Nigeria that would quailed the citizens the desired dividends of democracy, because the system theory advocated since every system is made

up of sub-systems of government as a whole system comprised of sub-systems and the executive and the legislature are sub-systems of the whole system (government) therefore, it is imperative and fundamental for the harmonious relationship between the executive and the legislature in the budget towards the attainment governmental as well as the objectives of the State.

Conclusively, System theory postulated that the absent of the harmonious and cooperative relationship between the executive without welcoming inputs and outputs from each arm would lead to a dysfunction of government as a system. (Enemu, 2008), however, a good working relationship between the executive and the legislature in the budget process would produce the desired result that will lead to early presentation, enactment, and good implementation. Contrary to the above, the components of like a system that is faulty, the cooperation that is needed between executive and legislative relationship in the budget process within the period under study was a clear System theory like every other may have it criticisms, but despite the criticisms that may be put forward, it is considered suitable and therefore fit in to this study.

Manifestation of a faulty system and the consequence of it are obvious within our democratic space, finally system theory as analyzed fit into this study and were therefore adopted respectively.

Application of System Theory

Having explained the relevance of the conceptual and theoretical issues central to this study, this is therefore imperative highlights the function of executive. In line with the 1999 Constitution as amended the functions of executive arm of government includes budget preparation, execution and maintenance of the Constitution and appropriation laws made by the National Assembly for the purpose of achieving the objectives of the state.

Theory of Separation of Powers

The relationship between the executive and the legislature has often been studied taking cognizance of system theory and the Montesquieu theory of separation of powers, (Aiyede, & Isumonah, 2002; Ikoronye, 2005; Fasagba, 2010 ; Adetunji 2018) .The principle of the Separation of powers provides a useful guide to the distribution of powers to the various arms of government especially the executive and the legislature as it relates to their roles in the budget process. However, when interpreted too rigidly and applied universally, it leads to misconception rather than enlightenment (Ball, 1977). Furthermore, (King, 1976) posited that the Montesquieu theory of separation of powers, despite being used widely in the study of relationship between the executive and the legislature, it does not reflect the rise of political parties and the transformation of politics toward party democracies. Modern Political science has however generally discarded the theory of separation of powers. Scholars have viewed that such a complete separation of powers as enunciated by Montesquieu is difficult in the present day government of nations (Ejere, 2004) they have denied the desirability of the separation of power as they conceive it and disputed the value and even the reality of the theoretical division of governmental functions upon which it rests. Some however, see it as incapable of accurate statement and seems impossible to apply with beneficial results in the formation of any concrete political organization (Goodnow, 2003) conceived the separation of powers of governmental powers as delusive and mere paper merit for the simple reason that in practice, it is largely unworkable because the business of government does not admit any explicit division into categories. (Laski, 1992) further observed that in the modern democratic state the distinction between the three organs of government cannot be consistently maintain. (Laski, 1992) argued that the legislature often performs executive and judicial duties. In the same manner, the executive in the modern time perform acts that are difficult to distinguish from legislation on one hand and judicial functions on the other. Drawing instance from the United States experience, (Laski 1992) further noted that that the Senate of the United of the United States confirms the

nominations of the president, he therefore concluded that little is gained by the formal attempt at distinguishing between the different types of government.

(Goodnow, 2003) also commenting on the Constitution of the United states of America averred that the theory of three separated powers has proven to be an unworkable legal principle and an inapplicable rule of law because there is a common borderland between them and that it is really existent in an attenuated form. (Neustadi, 1960) espoused that, rather than creating a government of “separation powers”, the united states Constitution established “ a government of separation institution sharing powers”, (Bowman, & stark, 2010) stressed this position more vividly when he noted that though the united states constitution erects fairly distinct boundaries to different among the governmental branches, each of them connects with the others at various points, creating a constitutional diagram, the system of checks and balances established by the constitution produces interdependent entities from the beginning. Many recent writers have however remarked a growing tendency if not a compelling need to vest in administrators a large discretion and authority to make rules. This amount in a sense to a delegation of real, though limited legislative powers. (Nwabuzor & Muller, 1985). In examining legislative political institutions noted that the total process of governing requires that some of the other institutions including both the executive and the bureaucracy share in the legislative functions. For the purpose of symbolic coherence and implementation enhances effective governance. However, despite this criticism of the theory of separation of powers between the arms of government, this theory remains fundamentally important and inevitable to this study of executive-legislature relationship in the Nigerian budget process.

Theoretical Applications of Separation of powers

The Colonial Masters introduced some sort of governmental system for the new colony that went through different phases ranging from Clifford Constitution of 1922, Richard Constitution of 1946, the MacPherson Constitution of 1954, and the Nigeria independence Constitution of 1960. Few prominent Nigerians during that period worked up for independence and self-determination

from the colonial masters that resulted Nigeria eventually got her independence on October 1, 1960. However, Nigeria has not fully attained sustainable democracy since her independence as a result of various arrays of factors that delayed and prevented the consolidation of democracy in the country. But concerted efforts are made towards the attainments of sustainable democracy and progress has been recorded to that effect.

However, separation of powers according to the provisions of the Constitution of (CFRN) 1999 as amended provided that;

One arm of government is not to exercise the powers or functions of another arm of government. This aspect of the theory is backed by the provisions of the Constitution of (CFRN) 1999 as outline in sections 4-6 vest, the three arms of Government power and functions of government in the executive, legislative and the Judiciary.

The executive arm of government does not perform the functions of the legislature such as law making. The executive prepared budget proposal and sent it as a bill known as the Appropriation Bill section 81 (CFRN) 1999 to the legislature, because the executive cannot pass the bill in to law, because the power to appropriate funds for government expenditure in the form of Appropriate Bill in to law is to be exercise by the Legislature (the National Assembly) section 80 (CFRN) 1999. In the other hand, the legislature can only enact the Appropriate Act in to law, but it does not have the power to execute because powers to executes or implement the budget as enacted by the legislature is to be exercise by the executive arm of government.

Similarly, the theory of separation of power states that a member of one arm of government is not to be a member of another arm of government. This principle is strictly adhered to in Nigeria government structure since the adoption of the presidential constitutional model of government in 1979. A member of the executive cannot be a member of the legislatures and vice-versa. However, if a member of the legislature who is elected by his or her Constituency is offered an executive appointment into the government to serve at the executive arm, such member of the legislature

seizes to be a member of the legislature immediately that member accepts such offer of the executive appointment, another election will be conducted in the constituency for a replacement of the member in the legislature.

Finally, the theory of the separation of powers entails that one arm of government is not permitted to encroach on the domain of another arm that is the executive should encroach in to the domain of the Legislature and the Legislature should encroach into the domain of the executive. Each arms of government should adhere to its Constitutional boundaries in exercising their respective powers and functions in the budget process. Hence, the theoretical application of the separation of powers has been effectively applied in Nigerian budget process by the executive, the legislative and the judiciary in line with the Constitutional provisions.

On the other hand, the system theory lay emphasis on the need for the executive, the legislative and the judiciary to work together since the arms of government are the components or a Subsystems that made up a system, therefore, for a system (Government) to attain its objectives in governance the need for a cooperative and harmonious working relationship is key in the budget process. And the three arms of government are operating in tandem with the postulations of this theory.

Furthermore, the doctrine of separation of powers gives the various arms the constitutional means to defend their legitimate powers from encroachment to the other arms. Since Nigeria adopted horizontal separation of powers as it can be seen in the 1999 Constitution of the Federal Republic of Nigeria which vested the powers of government in three separate organs of government in different sections as contained in Section 4 which deals with the legislative powers, Section 5 deals with Executive powers, While Section 6 deals with judicial powers (Ayaegbunam, 2005) averred that separation of powers can make a political system more democratic and also prevents one branch of government from dominating others.

CHAPTER THREE

METHODOLOGY

This chapter presents the methodology that is used in this research and the analysis of the data obtained in the study. It is anchored on the mix of methodology that is considered appropriate for this study which includes; research design, population of the study, sources of data, sample and sampling technique, instruments for data collection and method for data analysis and presentation

3.1 Research Design

This research made use of the survey research design while carrying out the study of executive legislature relationship in the budget process between the 7th and 8th Nigeria's National Assembly is descriptive in nature.

3.2 Population of the Study

The population for this study is drowned purposively among the key institutions that are among stakeholders involved in the budget process who are residents of the federal capital Territory Abuja with a population of 3,095,118 WPR (2019). However, due the large population of the stakeholders in the budget process who are residents in FCT Abuja. The study will make use of selected sample size. On this note,

3.3 Sample Technique

The respondents for this study will be selected from the study population using a purposive sampling technique. However, the purposive sampling techniques is appropriate in this research because only people who have the right knowledge about the Nigerian budget process would be able to provide answers to the questions needed in this study

3.4 Sample Size

A sample size of 384 respondents was drawn for this study for the administration of questionnaires that generated the primary data used for this study.

The sample size for the will be determined using Araoye's formula which is applicable when the population size is greater than 10,000 and the population of this study involves the entire stakeholders in the Nigerian budget process who are residents of Abuja FCT and their population is greater than 10,000. So the formula is applicable thus;

$$n = \frac{Z^2 PQ}{d^2}$$

Where n = the desired sample size (when population is greater than 10,000)

Z = the standard normal deviation, usually set at

1.9 (Which corresponds to the 95 percent confidence Level)

P = the population in the target population estimated to have a particular characteristic =

0.50

Q = 1.0 – P

D = degree of accuracy desired, usually set at 0.05

$$\text{Therefore; } n = \frac{(1.96)^2 0.50 (0.50)}{(0.05 \times 0.05)} = 384.16$$

$$= \frac{((1.96 \times 1.96) \times (0.5 \times 0.5))}{(0.5 \times 0.5)}$$

$$= \frac{3.8416 \times 0.25}{0.0025}$$

$$= \frac{0.9604}{0.0025}$$

384.16

n = Sample Size = 384

The sample size for this study will comprises the executive arm, legislative arm, Civil Society

Organization (CSO's) Donor Agencies, Organized Private Sector, Professional Bodies, and the academia.

3.5 Sources of Data

The primary data were collected directly from the respondents through the use of closed ended questionnaires.

Secondary data

The secondary data were gathered from legislative standing order/ rule, journals, Constitution (FRN) Seminars, workshop papers, Newspapers, Budget office hand books, CBN manuals, and materials also from the Internet that are of relevance to the study.

3.6 Instrument for Data Collection

The research instrument used in this research is structured questionnaire. The choice of these instruments of data collection is predicated upon the fact the study is survey. However, to ensure that the measurement instrument measures accurately what it intended and the procedures consistent results over and in other to ensures validity reliability of used in this study the choice of the methods and variables employed were adequately guided by similar studies on executive and legislative studies. The variables were also subjected to legislative experts and political scientists to ascertain the of the variables to ensure that they are capable of measuring the basic executive legislature relationship activities in the budget process with respect to their intended adequacy of this variables. Finally, experts in social sciences were also consulted on the correctness of the instruments and the procedures before supervisor approval for this research. The questionnaire was developed using the factors that are found in extent literatures of scholars of executive legislature relationship in Nigeria's presidential system used in similar studies among them are; (Oni, 2013; Momodu & Matudi, 2013; Igbokwe-Ibeto & Anazodo, 2015; Adetunji, 2018). The questionnaire contained closed-ended questions which are divided in to six sections (A-F). Each

section addresses a particular portion of the study, the first section A of the questionnaire request for demographic information of the respondent background such as sex, age, educational qualification and occupation/place of work of the respondent. Section B shows the scale of rating which the respondents are expected to choose from (Likert scale) from a scale of 1-5; strongly agree, agree, Undecided, disagree and strongly disagree. Section C focused on the pattern of executive-legislature relationship in the budget process between the 7th and 8th National Assembly, Section D examine the extent of executive interference in the legislative budget enactment processes between the 7th and 8th Assembly. Section E is on the factors responsible for the pattern of executive-legislature relationship in the budget process between the 7th and 8th Assembly, Section F deals with the implications of the pattern of executive-legislature relationship in the budget process between the 7th and 8th National Assembly on governance.

3.7 Method of Data Presentation and Analysis

This section focuses on presentation and analysis of data collected in this study. The primary and secondary data generated from this study are analyzed using simple descriptive statistics which include frequency tables, percentages and charts with the aid of statistical package for social science software (SPSS version 16.0) were deemed to be appropriate as quantitative tools for the analysis in this study. However, the qualitative data generated from the interview were analyzed with the use of content analysis. The use of tables, bar charts, pie charts and graph will be use where necessary for easy understanding.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSION

This chapter deals with presentation, analysis and discussion of data obtained in this study. A total of 384 questionnaires were administered on 384 respondents in Abuja FCT out of which 319 copies were returned completely filled.

Table 4.1 shows the summary of administered questionnaires

Table 4.1: SUMMARY OF RESEARCH INSTRUMENTS

S/n	Research Instrument	No. Returned	Not Returned	Returned %	Not returned %
1	Total No. of Questionnaire 384	319	65	83.1	16.9

Source: Field Work March, 2020

Demographic Characteristics of Respondents

This section presents the frequency distribution by socio-demographic characteristics of the respondents.

Table 4.2 presents the gender composition of the population.

Table 4.2: Sex

Variables	Frequency	Percentage %
Male	200	63
Female	119	37
Total	319	100

Source: Field Work March, 2020

Table 4.2 above is the frequency distribution of respondents according to their gender. The table shows that 200 (63%) of the respondents are male and 119 (37%) are female.

The Age distribution of a population is an important feature of the social demography. Table 4.3 presents the distribution of the respondents by age.

Table 4.3: Distribution of Respondents by Age

Variables	Frequency	Percentage %
18-30	38	11
31-40	96	30
41-50	170	54
51-above	15	5
Total	319	100

Source: Field Work March, 2020

Table 4.3 presented above shows the age distribution of respondents. The table shows that 38 (11%) out of respondents fall between the age 18 and 30, while 96 (30%) Of the respondents fall between the age of 31 and 40, 170 (54%) of the respondents fall between the age 41 and 50, while 15 (5%) of the respondents fall between 51years and above. It is clear from the table that majority of the respondents fall between the age of 41 and 50 years. This is very important for this study because, it provides the opportunity for the researcher to gather useful information from individuals in these groups who are experienced and have substantial knowledge about the research topic

Educational Qualifications

Table 4.4: Frequency Distribution of Respondents by Educational Qualifications

Variables	Frequency	Percentage %
FSLC	-	-
SSCE	-	-
ND/NCE	32	10
HND/BSC/BA/B ENGR	180	56
MASTERS DEGREE	80	25
Ph.D.	27	9
TOTAL	319	100

Source: Field Work March, 2020

Keys;

FSLC	First School Leaving Certificate
SSCE	Senior Secondary Certificate Examination
ND/NCE	National Diploma/National Certificate in Education

Table 4.4 presents the frequency distribution of respondents by academic qualifications. The table shows that 32 (10%) of the respondents are holders of ND/NCE Certificates 180 (56%) are HND, BSC, BA/B.ENG. degrees certificates holders, 80 (25%) are holders of master degree certificates while 27 (9%) are holders of doctorate degrees. However, the study topic as stated earlier required the respondents that have adequate knowledge of the research topic and since the study population sample is purposively selected, the respondents from the samples are individuals who possessed the least of their academic qualifications were holders of ND/NCE certificates. And also 27(9%) of the respondents are Ph.D. holders this is because the academic community constitute the sample of the study population which the majority are doctorate degree holders. Hence the high level of literacy among the respondents enable them provides the correct answers to the questions responsibly and enhanced the quality of data obtained for this study.

Place of Work

Respondents' places of work are presented in Table 4.5

Table 4.5: Frequency Distribution of Respondents by place of work

Variables	Frequency	Percentage %
Executive	83	26
Legislature	83	26
Academia	25	7.8
Civil Society Organizations	37	11.6
Donor Agencies	25	7.8
Organized Private Sector	33	10.4

Professional Bodies	33	10.4
Total	319	100

Source: Field Work March, 2020

The frequency distribution of respondents by their place of work is presented in table 4.5

According to the table 83(26%) of the respondents are from the executive arm of government.

This comprises of members of the executive council, top management staff and senior Management staff in the executive arm, also 83(26%) respondents are from the legislative arm which include, legislators’ legislative aides and senior/top management staff of the Legislative arm. 25(7.8%) of respondents are from the academic community, 37 (11.6%) respondents are from the civil society organizations (CSO’s), 25(7.8%) of the respondents are from Donor Agencies 33(10.4%) of the respondents are of the organized private sectors, while 33 (10.4%) of respondents are from professional bodies. It is therefore instructive to note that the distribution of respondents cut across different institutions are stakeholders in the budget process that constitutes the sample size of the population of this study as presented above in the table and in this analysis is to enable the researcher gather sufficient and balanced data on the research topic.

To find out the Pattern of executive-legislature relationship in the budget process between the 7th and 8th Assembly

This section focuses on the pattern of executive-legislature relationship in the budget process between the 7th and 8th National Assembly. The pattern of executive -legislature relationship found in literature were listed and the respondents were asked to indicate those they believed existed in the budget process between 7th and 8th National Assembly. The percentage distributions of the response from the respondents are presented in table 4.6 and its interpretations.

Table 4.6: Frequency distribution of respondents on the pattern of executive-legislature relationship in the budget process between the 7th and 8th National Assembly Budget President

Good Luck Jonathan send the minister of finance Dr. Ngozi Okonjo – Iweala to present the 2015 budget on his behalf, the reasons for the presidents to send his minister of finance as it was revealed shows an indicated that the relationship between the two arms of government was not cordial. It was recalled that the disagreement arises from the price of oil (oil bench mark) in which the NITF was prepared and the oil price bench mark at that time OPEC had made some adjustment by not to cut production to support the price to the fall in the out price below \$70 per barrel. Therefore, it was imperative for government to call for a re-submission of the amendment of MTEF 2015 – 2017. This adjusted resulted in to disagreement between the executive and legislature. The president avoided them in budget presentation session because there was tension at that time.

Similarly, (Adetunji, 2018) posited that the relationship that exist between the executive and the legislature in the budget process remained dysfunctional, conflictual, frosty and at the lowest ebb and that within this period the administration of the nation suffers greatly from the frosty relationship pattern between the executive and the legislature.

(Adetunji, 2018) further espoused that while the legislature is still developing in their technical skills in putting in place effective and transparent budget process due to long years military rule which gave no role to the legislature. However, (Adetunji, 2018) argued that the disagreements between the executive and the legislature in the budget could only be a test for constitutionality and democratic consolidations and that the frosty pattern of relationship that exist between the executive and the legislature is due the fluid roles performed by these arms limit service delivery to the citizenry especially the controversies that surrounded the passage of the 2016 and 2017 budgets revealed that the budget process leads to late passage and eventually poor implementation.

(Anyaebuman, 2012) observed that the executive – legislature relationship patterns is usually a non-cooperative in the budget process because when the legislature ability to preformed their oversight activities over the executives as their instrument for their horizontal and vertical accountability as the people representative the executives tend not to corporate with the legislature and this uncooperative activities of the executive arm usually resulted to a frosty, and none-cordial relationship between the two arms of government in the budget process.

7thNational Assembly	Strongly Agreed	Agreed	Undecided	Disagreed	Strongly Disagreed
Frosty relationship	52 16%	145 46%	12 4%	70 22%	40 12%
Disagreement on budget issues	81 26%	99 30%	40 13%	29 10%	70 21%
Executive-legislature arrogance	52 16%	93 29%	40 13%	99 31%	35 11%
Struggle for political power	40 13%	110 34%	58 18%	87 28%	24 7%
8th National Assembly	Strongly Agreed	Agreed	Undecided	Disagreed	Strongly Disagreed
Frosty Relationship	99 31%	122 38%	35 11%	63 20%	0 0
Disagreement on budget issues	63 20%	110 34%	35 11%	87 28%	24 7%
Executive legislative arrogance	64 20%	133 42%	23 7%	64 20%	35 11%
Struggle for political power	63 20%	122 38%	23 7%	82 25%	29 10%

Source: Field Work March, 2020

Table 4.6 shows the frequency distribution of respondents on the patterns of executive-legislature relationship in the budget process between the 7th and 8th National Assembly. The table indicates that 145(46%) of the respondents agreed that the relationships between the executive and the legislature in the budget process of the 7th National Assembly was a frosty type, 70(22%) disagreed while 52(16%) of the respondent strongly agreed 40(12%) strongly disagreed and 12(4%) were undecided.

Similarly, in the 8th National Assembly, 99(31%) of the respondents strongly agreed that the executive- legislature relationship in the budget process of the 8th Assembly was also a frosty type, 122(35%) agreed 35(11%) of the respondents were however, undecided. 63(20%) merely disagreed

while 0(0%) was strongly disagreed. This analysis indicates that majority of the respondents 99(31%) agreed that a frosty relationship existed in the budget process in the 7th Assembly. And Majority of the respondents also agreed that there existed a frosty executive- legislature relationship in the budget process in the 8th Assembly.

In a similar way table 4.6 shows the frequency distribution of the respondents on if there were incidences of disagreement on budget related issues between the 7th and 8th National Assembly 81(26%) of the respondents strongly agreed that the executive- legislature relationship in the budget process in the 7th National Assembly was characterized with disagreement on budget related issues. 99(30%) agreed, while 40(13%) were undecided, however 29(10%) disagreed and 70(21%) strongly disagreed that their relationships in the budget process was characterized by disagreement on budget related issues. Thu this analysis, majority of the respondents 180 (56%) of the in both 7th & 8th Assemblies agreed to the statement that executive-legislature relationship in the budget process between the 7th and 8th National Assembly.

Similarly, the respondents also expressed their views on whether the executive-legislature relationship in the budget process in the 7th and 8th National Assemblies was characterized by disagreement on budget related issues. From table 4.6 63(20%) of the respondents strongly agreed that the executive legislative relationship in the budget process of 8th Assembly was characterized with disagreement on budget related issues 110(34%) of respondents simply agreed 35(11%) respondents were indicated. 87(28%) of the respondents however strongly disagreed, while 24(7%) of respondents disagreed that the executive-legislature relationship in the budget process of the 8th National Assembly was characterized with disagreement on budget issues

Also table 4.6 the respondents were asked whether executive-legislature relationship in the budget process between the 7th and 8th National Assembly was characterized with executive-legislature arrogance. The table shows that 52(16%) of the respondents strongly agreed that executive-legislature relationship in the budget process of the 7th Assembly was characterized by executive-

legislature arrogance, 93 (29%) of the respondents agreed, while 40(13%) were undecided, 99 (31%) disagreed and 35(11%) strongly disagreed. While in the 8th National Assembly, 64(20%) of respondents strongly agreed. 122 (38%) merely agreed, 23 (7%) were undecided 64(20%) disagreed, while 35 (11%) strongly disagreed.

This analysis indicates that majority of the respondents 45% and 58% respectively in the 7th and 8th National Assembly agreed to the statement that executive- legislature relationship in the budget process were characterized with arrogance on the part of the two arms of government.

Table 4.6 the frequency distribution also indicates the responses by the respondents on whether the relationship that existed between the executive-legislature in the budget process of the 7th and 8th National Assembly demonstrated that it was a mere struggle for political power. The responses from the table shows that 40(13%) of the respondents strongly agreed that the executive- legislature relationship in the budget process of the 7th National Assembly were characterized by struggle for political power 110(34%) agreed, while 58(18%) were undecided 87(28%) disagreed and 24(7%) strongly disagreed. Similarly, in the 8th Assembly 63(20%) strongly agreed, 122(38%) merely agreed, while 23(7%) were undecided 82(25%) disagreed, while 24(7%) strongly disagreed to the statement. This analysis clearly shows that majority of the respondents in both the 7th and 8th National Assembly believes that the executive-legislature relationship in the budget process were attributed a mere struggle for political power rather than security and welfare of the citizens which the budget is a tool in achieving this noble objective that is the primary responsibility of government as contained in the Constitution.

4.1 Discussion of Findings on the Pattern of Executive-Legislature Relationship in the Budget Process of the 7th and 8th National Assembly.

This section focuses on the theoretical and empirical evidences in the research

The relationship between the executive and the legislature in the budget process is central to the political system of Nigeria because the bases for this relationship is constitutionally established since the adoption of the presidential system of government in the 1979 Constitution following the restoration of civil rule and same applies to the 1999 Constitution as amended. However, this position is in line with the presidential model of government that is anchored on the doctrine of separation of powers and the principles of checks and balances, that states that no arm of government is superior to the other neither is any subordinate to the other. Each arm is independent in its own domain. As section 4 and 5 of the 1999 Constitution vest the federal legislative powers to the National Assembly. However, the principle of separation of power is not meant to entrench isolation of any arm of government but a system of sharing of governmental, checks and balance which allows each organ to depend its position in accordance with constitutional provision purposely these two institutions are expected to operate in an atmosphere of cooperation between them so that the purpose of government will be fulfilled through the contributions from both arms of government as pattern in progress (Oni, 2013).

The findings revealed that executive-legislature relationship in the budget process within the period of study was more of a conflictual, uncooperative and uncordial. (Anyaeunam, 2010) averred that executive-legislature relationship is said to cooperative or cordial when executive-legislature disagreement over policies of government are resolved through consultations and understanding, and for a cooperative and cordial executive-legislature relationship (Oyederan, 1980) posited that a cooperative executive-legislature relationship can either be based on genuine respect, or due to ignorance. As already noted, the provisions of section 80 and 81 of the 1999 Constitution as amended assigned the various roles in the budget process to the executive and the legislature,

being the principal actors in the process which ranges from formulation, enactment, implementation, monitoring and auditing. It is pertinent, however to note that while the process of formulation and implementation are within the domain of the executive, the process of enactment and auditing is the responsibility of the legislature.

The two functions of the legislature in the process are what usually result in antagonism between the executive and the legislature which involves scrutiny of executive proposals and oversight of the budget as enacted by the legislature (Abdulrasheed & Kinge, 2015).

Findings also reveals that conflicts between the executive and the legislature in the budget process begins from the forth republic in 1999.

The situation still persists up to the period of this study. The findings revealed that the disagreement that often result to conflict between the two arms of government in the budget process usually lies in the discrepancy on the amount proposed by the executive and the amount that the legislature eventually enacts as an appropriation act for a given financial year. This discrepancy has been observed in all the national budgets for the period under study. See table 1.4

The findings revealed that because of the frosty executive- legislature relationship in the budget process with the 7th National Assembly that is the reason why president Jonathan mandated the finance minister Dr Ngozi Okonjo- Iweala to present the 2015 budget to the National Assembly.

“ At a time of intense tension between Nigerians executive and legislature arm of government , the presidency has confirmed that the president will not present in the 2015 budget proposal personally to the National Assembly , in a move that appears aimed at avoiding” (premium times, 2014).

The findings also revealed that the government and the ruling People Democratic Party (PDP) were angry with the Hon. Speaker Amino Tambuwal after he defected to the All Progressive Congress (APC) from the PDP. The move which the law makers alleges to have been influenced by the government using the police to attacked the National Assembly in November 2014 firing teargas

as they attempted to stop the speaker of the House of Representatives, Amino Tambuwal from entering the National Assembly complex.

The lawmakers have been expecting to meet with the president during the budget presentation for possible revenge in any manner that would have been possible.

Further findings revealed that the pattern of executive-legislature in the budget process that was frosty was what manifested in what the punch newspaper report of 19th December, 2018 title; *Protest as Buhari presents 2019 budget to the National Assembly*.

The presentation of the 2019 appropriation bill on Wednesday 19th December, 2018 resulted in a rowdy session during the joint session of the National Assembly. The rowdiness started as soon as President Muhamadu Buhari stepped into the House of Representatives Chamber, the venue of the joint session, while some APC law makers hailed the president saying “Sai Baba” the members raise their voices as president Buhari walked to his seat.

Three placards emerged in the chamber and as some PDP members attempted to raise the placards, their APC counterpart went for the placard which led to a struggle and eventually other law makers intervene and they were calmed. The Senators also were seen engage in both arguments Senator Solomon Adeola, both of the APC; they rose from their seat and confronted each other.

However, this took a different dimension as the president was addressing the legislators he was interrupted each time he mentioned an achievement by his administration, the members will inject him by saying; No Lie.

“He said we have weathered the storms and made progress on every front’ they screamed, “No” Boo! When the President said, “the economy has recovered well” the lawmakers screamed again”.

The President was not happy with the development, and he said “the world is watching us and we are expected to be above this.”

The situation continued, especially when he said his administration had achieved success in its anti-corruption fight they still repeated “it is not true: it is not correct”

As soon as the president completed his speech, the situation turned more rowdy, such that the Senate president and the Speaker could not deliver their speeches at the session came to a closed.

Further, findings also revealed that the frosty pattern of executive-legislature relationship in the 8th National Assembly was what leads to the besiege of the National Assembly complex by the operatives of the Department of State Services (DSS) on August 8th 2018 and the hoodlums invaded the Senate Chamber during plenary catered away the Mace on August 18th 2018. A situation (Dogara, 2019) posited “that the 8th National Assembly the most prosecuted in the history of Nigeria.”

3.1.1. To find out whether there was executive’s interference in the Legislative budget process between the 7th and 8th National Assembly.

The extent of executive interference in the legislature budget approval process between the 7th and 8th National Assembly

This section dwells on the extent of executive interference in the legislative budget approval process between the 7th and 8th National Assembly the respondents were asked to indicate from the list of activities of the legislature involvement in the budget process those they believed existed in the 7th and 8th National Assembly. The frequency distribution and percentage of the responses from the respondent are presented in table 4.7 and its interpretations.

Table 4.7 Frequency distribution of respondents on executive interference in the legislature’s budget process in the 7th and 8th National Assembly

The joint committee on finance of the National Assembly summoned the minister of finance Dr Ngozi Okonjo-oweala on the actions of the executive on the budget 2012 been passed by the legislature, during the meeting the minister of finance affirmed that the executive tempered with the budget by moving resources meant for some ministries, departments and agencies (MDA’S) from some areas to other areas making it a little bit difficult for implementation with such movement, the movement of funds was a violation of the Constitution by the executive because the power to move funds from one MDA’s to another is vested on the legislature (National Assembly) by the section 80 (4) Constitution 1999 (CFRN). However, if there was need for the transfer of funds, the Constitution clearly stated that they should seek approval from the legislature (The National Assembly).

Oversight activities of the legislature over the executive arm has been a contentious issue between the executive and the legislature (Abdulasheed & Kinge , 2015; Anyaebunam,2010) posited that the performance of the oversight by the legislature usually perceived by the executive as having over stepping its boundaries and the legislature being the arm of government that is concerned with the poor state of budget implementation by the executive arm and as the constitutional ordained with the constitutional functions of a watchdog of the citizens view it as frustration by the executive in performance of their oversight functions as denying the citizens the right to know what the executive arm of government are doing this usually results into a very frosty relationship between the executive and the legislature.

7 National Assembly	Strongly Agreed	Agreed	Undecided	Disagreed	Strongly Disagreed
Legislature's budgets	41 13%	161 50%	12 4%	64 20%	41 13%
Legislature's finances	52 16%	75 23%	46 15%	87 28%	58 18%
Approval of Appropriation Bills	41 13%	92 28%	41 13%	87 28%	58 18%
Legislative oversight	29 9%	87 28%	64 20%	81 25%	58 15%

8 National Assembly	Strongly Agreed	Agreed	Undecided	Disagreed	Strongly Disagreed
Legislature's budgets	75 23%	99 31%	34 11%	70 22%	41 13%
Legislature's finances	35 11%	116 37%	29 9%	87 27%	52 16%
Approval of Appropriation Bills	46 15%	81 25%	46 15%	87 27%	58 18%
Legislative oversight	12 4%	116 37%	46 15%	93 28%	52 18%

Source: Field Work March, 2020

Figure 4.7 Show the frequency distribution of the respondents views on whether there was executive interference in the budget of the legislature between the 7th and 8th National Assembly. In the 7th National Assembly the table indicates that 41(13%) of the respondents strongly agreed, 161(50%) agreed, while 12(4%) were undecided 64(20%), disagreed and 41(13%) strongly disagreed that there was no executive interference in the legislature's budget in the 7th National Assembly.

While in the 8th National Assembly 75(23%) of the respondents strongly agreed 99(31%) agreed, while 34(11%) were undecided 70(22%), disagreed and 41(13%) strongly disagreed. This analysis indicates that majority of the respondent in both the 7th and 8th National Assembly believed that there were executive interference in the Legislature's budgets in both Assemblies.

Also the percentage distribution of responses of the respondents in table 4.7 on whether or not there were executive interferences in the legislature's finances in the 7th Assembly indicates that 52(16%) of the respondent strongly agreed, 75(23%) agreed, while 46(15%) were undecided 87(28%) disagreed, 58(18%) strongly disagreed to the statement.

Similarly, in the 8th National Assembly 35(11%) of the respondents strongly agreed, 116(37%) agreed, while 29(9%) were undecided 87(27%) disagreed, 52(16%) strongly disagreed to that statement. This analysis shows that majority of the respondents held to the opinion that there were no executive interference in the legislature's finance in the 7th National Assembly. Contrarily in the 8th National Assembly majority of the respondents agreed that there were executive interference in the finances of the National Assembly.

In table 4.7 shows the frequency distribution of responses of the respondents on whether there were executive interferences in the processes leading to the approvals of the appropriation bills in the 7th National Assembly 41(13%) of the respondents strongly agreed, 92(28%) agreed, while 41(13%) were undecided 87(28%) disagreed, 58(15%) strongly disagreed to that assertion. While in the 8th National Assembly, the table 4.7 indicated that 46(15%) of the respondents strongly agreed, 81(25%) agreed, while 46(15%) were undecided 87(27%) disagreed and 58(18%) strongly disagreed to that there were executive's interference in the budgets approvals by the National Assembly. This analysis indicates that majority of the respondents in the 7th and 8th National Assembly respectively disagreed and therefore held the opinion that there were no executive interference in the budgets approvals by the National Assembly.

With respect to whether there were executive interferences in the oversight activities of the legislature, table 4.8 shows the frequency distribution of responses of the respondents which indicates that in the 7th 29(9%) of the respondents strongly agreed, 87(28%) agreed, while 64(20%) were undecided 81(25%) disagreed, 58(18%) strongly disagreed to the above statement.

Similarly, in the 8th National Assembly, the table indicates 12(4%) of the respondent strongly agreed, 116(37%) agreed, while 46(15%) were undecided 93(28%) disagreed, 52(18%) strongly disagreed. This analysis shows that majority of the respondents in both Assembly disagreed that there were no executive interferences in the oversight activities of the 7th and 8th National Assembly.

Discussion of Findings on the Extent of Executive Interference in the Budget Process of the 7th and 8th National Assembly

Since the adoption of the presidential system of government in Nigeria in the 1979 Constitution following the restoration of civil rule and same applied in 1999 constitution as amended in line with the presidential model of government that is anchored on the doctrine of separation of powers and the principles of checks and balances, therefore no arm of government is superior to the other neither is any subordinate to the other. Each arm is independent in its own domain. As contained in section 4 and 5 of the 1999 Constitution vests the federal legislature power to the National Assembly. However, the principle of separation of powers is not meant to entrench isolation of any arm of government, but a system of sharing of governmental checks and balances which allows each organ to defend its position in accordance with constitutional provision purposely these two institutions are expected to operate in an atmosphere of cooperation between them so that the purpose of government will be fulfilled through the contributions from both arms of government as partners in progress (Oni, 2013).

Furthermore, the provision of section 88 (CFRN) of the 1999 Constitution as amended states that each House of the National Assembly shall have power to direct or cause to be directed to carry out any investigation in to the conduct of affairs of any person, authority, ministry or government department with the responsibility of administering the laws enacted by the National Assembly including the appropriation act. This implies auditing and oversight of government activities aimed at ensuring that disbursing or administrating moneys for expenditures are in accordance with the manner proscribed by the National Assembly in the appropriation act.

Further findings also revealed that budgetary oversight have also remained tension soaked in the executive legislature relationship in the budget process which the legislature usually lament the poor implementation of the budget by the executive arm of government (Abdulrasheed & Kinge, 2015).

Similarly, (Anyuebunam, 2010) asserted that the performance of oversight by the legislature is usually perceived by the executive as having overstepping its boundaries and the legislature in the hand being the Constitutional bestowed with the function of a watchdog of the citizens, views the frustration by the executive on their oversight function as depriving the people the right to know what the executive of government are doing, this uncooperative attitudes of the executives causes a very frosty relationship between them.

However, the data from the field or from the respondents shows that there were no executive interferences in the oversight activities of the legislature in the 7th and 8th National Assembly.

4.1.2 Investigate the factors responsible for the pattern of executive-legislature relationships in the budget process in the 7th and 8th National Assembly

The factors responsible for the pattern of executive-legislature relationship in the budget process in the 7th and 8th Assembly found in literature are listed in table 4.8 shown below.

This section focuses on the factors responsible for the pattern of executive- legislature relationship that existed in the 7th and 8th National Assembly. The factor that could lead to that type of a relationship in the presidential system of government as identified by scholars were outlined and the respondents were asked to identify those that they believe existed in the budget process in the 7th and 8th National Assembly and the percentage distribution of responses of the respondents are presented in table 4.8 and its analysis.

Table 4.8 Factors responsible for the pattern of Executive-Legislature Relationship in the Budget process in the 7th and 8th National Assembly

7th National Assembly	Strongly Agreed	Agreed	Undecided	Disagreed	Strongly disagreed
Leadership election	64 20%	58 18%	23 7%	104 33%	70 22%
Resistance to executive dominance	41 13%	75 23%	58 18%	93 30%	52 16%
Inadequate knowledge and applications of the Constitution	23 7%	93 29%	52 16%	87 28%	64 20%
Influence of political parties	58 18%	75 23%	46 15%	82 26%	58 18%
8th National Assembly	Strongly Agreed	Agreed	Undecided	Disagreed	Strongly disagreed
Leadership election	116 37%	128 40%	17 5%	46 14%	12 4%
Resistance to executive dominance	70 22%	70 22%	92 28%	58 18%	29 10%
Inadequate knowledge and applications of the Constitution	41 13%	82 26%	52 16%	92 29%	52 16%
Influence of the political parties	41 13%	98 30%	82 26%	64 20%	34 11%

Source: Field Work March, 2020

Table 4.8 show the frequency distribution and percentage of respondents on factors responsible for the pattern of executive-legislature relationship in the budget process in the 7th and 8th National Assembly. Table 4.8 shows the responses of the respondents on factors that could necessitate such mode of executive-legislature relationship in the budget process in the 7th and 8th National Assembly in the budget process indicates that in the 7th National Assembly 64(20%) of the respondents strongly agreed, 58(18%) merely agreed while 23(7%) were undecided 104(33%) disagreed and 74(22%) strongly disagreed, while in the 8th National Assembly the table its indicates that 116(37%) of respondents strongly agreed,128(40%) merely agreed, while 17(5%) were undecided 46(14%) disagreed and 12 (4%) strongly disagreed. This analysis shows that majority of the respondents in the 7th and 8th National Assembly disagreed that executive- legislature relationship that existed in the budget process of 7th and 8th National Assembly was as a result of the candidates of the party did not win the election in to the leadership positions in the two chamber of the National Assembly.

In respect to whether the resistance to executive dominance by the legislature was what accounted for the pattern relationship that existed in the budget process in the 7th and 8th Assembly table 4.8 indicates that in the 7th Assembly 41(13%) strongly agreed that it was as a result of resistance to executive dominance by the legislature was a factor to the pattern relationship in the budget process, 75 (23%) agreed, 58 (18%) were undecided, while 93(30%) disagreed and 52(16%) strongly disagreed to the statement above. In the 8th Assembly the responses by the respondents indicate that 70(22%) of the respondents strongly agreed that resistance to executive dominance by the legislature was a factor, 70(22%) agreed to that statement also 92(28%) were undecided while 58(18%) disagreed and 29(10%) strongly disagreed to the statement respectively. This analysis shows that while majority of the respondents in the 7th National Assembly disagreed that the resistance to executive dominance by the legislature was a factor responsible for the pattern of the executive- legislature relationship that existed in the budget process.

With regards to the 8th Assembly majority of the respondents agreed that resistance to executive dominance by the legislature was a factor that accounts for the executive- legislature conflicts in the budget process of the 8th National Assembly. With respect to whether inadequate knowledge and applications of the Constitution was the factor responsible for the pattern of executive legislature relationship that existed in the budget process in the 7th and 8th National Assemblies, the responses of the respondents indicate that in the 7th National Assembly 23(7%) strongly agreed, 93(29%) simply agreed 52 (16%) undecided, while 87(28%) simply agreed 64(20%) strongly disagreed. while in the 8th Assembly the responses by the respondents shows that 41(13%)strongly agreed ,82(26%) simply agreed, 52(16%) were undecided while 92(29%) disagreed and 52(16%) strongly disagreed to the statement above. This analysis indicates that in the 7th National Assembly majority of the respondents 48% disagreed that inadequate knowledge and applications of the Constitution on the part of the executive- legislature was a factor that was responsible for the mode of executive- legislature relationship in the budget process that existed in the 7th Assembly. In the same vain majority of the respondents also disagreed that inadequate knowledge and Constitutional applications by the executive and the legislature was a factor responsible for the relationship in the budget process of the 8th Assembly.

With regards to whether the influence of political parties was a factor responsibly for the pattern of executive- legislature relationship that existed in the budget process of the 7th and 8th National Assembly table 4.8 show the responses of the respondents that indicates that in the 7th National Assembly 58(18%) of the respondents strongly agreed to the above statement 75(23%) merely agreed, 46(15%) were undecided while 82(26%) disagreed 58(18%) strongly disagreed.

In the 8th National Assembly 43(13%) strongly agreed 93(30%) simply agreed 82(26%) were undecided while 64(20%) simply agreed and 34(11%) strongly agreed. This analysis shows that majority of the respondents in the 7th and 8th National Assembly agreed that political parties

influence on the mode of the executive- legislature relationship that existed in the budget process in the 7th and 8th National Assembly.

Discussion of Finding on Factors Responsible for the Pattern of executive-legislature Relationship in the Budget Process of the 7th and 8th National Assembly

This section deals with the discussion of the theoretical and empirical findings that arises in the course of the research study.

The finding reveals that in 7th National Assembly the data from the respondents show that though there was a frosty executive-legislature relationship in the budget process however, the level of conflicts experienced or the incidences of the frosty relationship were low than what was experienced in the 8th National Assembly. The reasons the respondents adduced for this were that the APC party crises of leadership of the legislature in the 8th Assembly unlike the PDP case were there was consensus ship in the emergence of National Assembly leadership positions in the 7th Assembly. This conclusively means that while party influence affected the PDP positively in the 7th Assembly, in the 8th Assembly it affected the APC negatively in the legislature.

The further findings revealed that the leadership crises that rock the APC in the 8th National Assembly was what leads to the APC let federal government to drag the senate president Bukola Saraki to code of conduct tribunal shortly after his assumption of office in September, 2015 on allegations of false asserts declaration.

Furthermore, it findings also shows that emergence of senator Ike Ekweremadu as the deputy senate president was a big affront to the APC let government an action which the APC noted to have been masterminded by the law makers in the senate and action coursed the executive and the legislature looking at each other suspiciously.

Finally, findings revealed that the Police sieged the resident of the senate president Bukola Saraki on 24 July, 2018 in the lake chard crescent Maitama Abuja and also the operatives of the Department

of State services and the Economic and Financial Crime Commission (EFCC) besiege the resident of the deputy senate president, Senator Ike Ekweremadu in Apo Legislative Quarters Abuja. They were no reason given for the siege of the Ekweremadu's resident. However, the siege took place in the morning the day that the Senate President Bukola Saraki was expected to report at the Guzape police station Abuja in connection to the Offa Robbery investigation which claims many lives in Kwara State. Following a Police invitation which Saraki's alleged was a planned ploy by the I.G.P to stop an alleged plan by some Senators and House of Representatives members from defecting from the All Progressive Congress (APC) to the PDP. A moved they think could stop the legislators' defection following Saraki's detention for Tuesday and Wednesday could abort the so called defection plan.

4.1.4 Examine the effect of the pattern of Executive-Legislature relationship in the budget process on governance in the 7th and 8th National Assembly.

This section dwells on the implications of the pattern of executive legislature relationship in the budget process in the 7th and 8th National Assembly on governance. The factors implications of the nature of the executive-legislature relationship in good governance as identified in literature were listed and respondent were asked to indicate those they felt existed and its effect on governance within the period of this study. The percentage distribution of responses from the respondent in the 7th and 8th National Assembly is illustrated in table 4. 8

Table 4.9 Frequency distribution of respondents on the implications of the pattern of executive- legislature relationship in the budget process in the 7th and 8th National Assembly on governance

7 National Assembly	Strongly agreed	Agreed	Undecided	Disagreed	Strongly disagreed
Delay in budgets approvals	132 42%	93 29%	35 11%	47 14%	12 4%
Poor budgets implementation	110 35%	87 27%	40 13%	53 16%	29 9%
Low infrastructural development	87 27%	58 18%	70 22%	46 15%	58 18%
Unemployment growth	70 22%	116 36%	58 18%	58 18%	17 6%

th

8th National Assembly	Strongly agreed	Agreed	Undecided	Disagreed	Strongly disagreed
Delays in budgets approvals	104 33%	93 29%	23 7%	52 16%	47 15%
Poor budgets implementations	99 31%	105 32%	40 13%	40 13%	35 11%
Low infrastructural development	87 27%	82 26%	40 13%	58 18%	52 16%
Growth in unemployment	93 29%	122 38%	35 11%	29 9%	40 13%

Source: Field Work March, 2020

Table 4.9 shows that 132 (42%) of the respondent strongly agreed that the implication of the pattern of executive-legislature relationship in the budget process causes delays in the passage of the appropriation bills, in the 7th Assembly, while 93(29%) simply agreed, 35(11%) were undecided 47(14%)of the respondent disagreed and 12(4%) strongly disagreed to that statement that the implications of the pattern of the relationship in the budget process of the 7th Assembly let to delays in the passage of the appropriation bills within the period . In the 8th Assembly on the other hand 104(33%) strongly agreed, 93(29%) agreed, while 23(7%) were undecided, 52(16%) disagreed and 47(15%) strongly disagreed that the implications of the pattern of executive-legislature relationship in the budget process let to delays in the passage of the appropriation bills within the period. This analysis indicates that majority of the respondents held that the pattern of executive-legislature relationship in the budget in the 7th and 8th National Assembly affected timely passage of the appropriation bills within the period of study.

Table 4.9 also contains the percentage responses of the respondents on the implications of the pattern of the executive-legislature relationship in the budget process in the 7th and 8th National Assembly caused poor implementations of the budgets in the country within the period of study.

In the 7th National Assembly 110 (35%) of the respondent strongly agreed that the pattern of executive-legislature relationship in the budget process affected the implementations of the budgets in the country within the period, 87(27%) simply agreed, 40(13%) were undecided, 53(16%) disagreed and 29(9%) strongly disagreed to the above statement. While in the 8th Assembly, the percentage distributions illustration shows 99(31%) of the respondents strongly agreed that executive-legislature relationship in the budget process in the Assembly had adverse effects on budgets implementations in the country within the period of the study, 105(32%) agreed, while 40(13%) were undecided, 40(13%) disagreed and 35(11%) strongly disagreed to the statement above. This analysis shows that majority of the respondents in the 7th and 8th National Assembly agreed that the pattern of executive-legislature relationship in the budget process had no effect on the budgets implementations in the country within the period.

With respect to the percentage responses of the respondents on the implications of the pattern of executive-legislature relationship in the 7th and 8th National Assembly courses slow infrastructural development in the country table 4.10 illustrates the percentage responses of the respondents in the 7th Assembly shows that 58(18%) strongly agreed, 87 (27%) merely agreed, while 70(22%) were undecided, 46(15%) disagreed and 58(18%) strongly disagreed to the statement above.

In the 8th Assembly the percentage of the respondents on the table shows that 87(27%) of the respondents strongly agreed, 82(26%) simply agreed, 40(13%) were undecided, while 52(16%) disagreed and 58(18%) strongly disagreed that the executive-legislature relationship in the budget process of the 8th Assembly slow down infrastructural development in the country within the period of study. This analysis indicates that majority of the respondents in the 7th and 8th National Assembly

agreed that the implication of the pattern of executive-legislature relationships in the period of study slowdown infrastructural development in the country.

The percentage of respondents in the table on the implication of the pattern of executive-legislature relationship in the budget process let to unemployment growth in the country shows that in the 7th National Assembly shows that 70(22%) of the respondent agreed that the implication of the relationship pattern in the budget process let to unemployment growth in the country, 116(37%) simply agreed, while 58(18%) were undecided, 58(18%) disagreed and 17(6%) strongly agreed to the above statement. However, in the 8th Assembly the percentage responses of respondents indicate that 93(29%) of the respondents strongly agreed, 122(38%) of the respondent agreed, 35(11%) were undecided, while 29(9%) disagreed and 40(13%) strongly disagreed that the implications of the pattern of executive-legislature relationships in the budget process of the 8th Assembly results to unemployment in the country. This analysis indicates that majority of the respondents in the 7th and 8th National Assembly agreed that the implications of the pattern of executive-legislature relationship that existed in the budget process leads to unemployment growth in the country within the period of study.

Discussion of Findings on the Implications of the Pattern of Executive-Legislature Relationship in Budget Process on Governance

In the 7th Assembly

This section focuses on theoretical and evidence base on the research findings from the study.

The findings revealed that the data gathered from the respondents in the field shows that the pattern of executive-legislature relationship in the budget process in the two Assemblies caused delays in the budget passage.

For instance, budget 2014 was signed in to law by President Jonathan on the 21st May 2014 the budget which was submitted to the National Assembly on 19th December, 2013 and it was transmitted on 22rd April 2014 to the president with a gestation period of 5 months and 3 days.

(Maku, 2014) stated thus;

“Jonathan refused to sign the 2014 appropriation bill passed by the National Assembly in to law earlier because of the distortions in the document by the lawmakers.

“In passing the bill the National Assembly raised the amount in the document from ₦4.642 trillion submitted by the president to ₦4.695 trillion. These are few areas of distortion and these are those areas that are very serious and we think there is a need to look in to them because of the negative impact those distortions may have on the implementation of the budget.”

Similarly in the 8th National Assembly the situation was not better, but rather worsen such that the president Buhari on 27th of May 2019 in a dinner at the presidential villa when he hosted the newly elected members of the 9th National Assembly passed a vote of no confidence on the speaker of the House of representation Hon. Yakubu Dogara and the Senate president Senator Bukola Saraki for the delays in the budget;

“If the National Assembly takes seven months to pass a budget, then we should be commended for the much that we have achieved and we can still achieved, I feel very disappointed I spoke with the leaders of the National Assembly on the issues that seven months is a long time to work on a budget” (Buhari , 2019).

However, seven months’ gestation period for the passage of a budget is inadequate for democratic governance. Similarly, (Sam-Tsokwa & Ngara, 2016) noted that the late submission of the budget usually leads to late approval resulting to distortions or haphazard implementation of the budget (Sam-Tsokwa & Ngara, 2016). Further noted that when they categories National budget as “big for nothing” because the poor implementation usually caused by delay in submission and approval affect the implementation as stated above resulting in too little achievement that can’t be commensurate with the size of the budget which eventually does not translates to increased socio-

economic development. See table for the gestations period of the national budgets within the period of this study.

The findings from the respondents indicates that delays in the budget passage has effects on its implementation as well, this they attribute to a high rate of unemployment among the citizens, inadequate basic amenities and a very low rate of infrastructural development that affect economic growth and development of the nation.

Findings also reveals that delayed in budgets approvals impacts negatively on the economic growth of the nation (Adedeji & Bodurin, 2018) attested to this when they found an inverse relationship between the budget delays and economic growth. They attributed it to the fact government contributes directly to the economy through government spending (transfers and capital expenditure) which means that budgets delays depress its contrition to GDP. The delays in budgets also leads to uncertainty on government policy direction and other economic decisions of government, whether expansionary or contractionary policy. Finally, budget delays only affect capital expenditure, as recurrent expenditure falls within functional activities. This indicates that infrastructural development which is a key enabler for economic growth will be meaningfully constrained.

It was also revealed that budget delays leads to poor implementation (Ekeocha, 2012) observed that budget delays results in to limited time for the implementation of the budget as earlier observed by the respondents in the table above.

Further findings revealed that it was the frosty relationship between the executive and the legislature in the budget related issues in 8thAssembly that leads to the government masterminding the police siege of the house of Senator Danjuma Goje the Chairman Senate Committee on Appropriation on April 20, 2017, and catered away items which include cash sum of N19,000 US Dollars, 4,000 Saudi Riyals, N18,000,000 and documents relating to the 2017 budget. The raid the Police claim was based on wrong information from a Whistle blower.

“I was on the National Assembly working on the budget when I received a distressed call from my house that the police has invaded my house and they broke all my ward robes, boxes and doors” (Goje, 2017)

The raid of the residence of the chairman appropriation committee causes further delays of the budget by two or more weeks as noted by (Goje, 2017)

Further findings revealed that in the 8th Assembly 2018 budget president Muhammadu Buhari lamented that the 2018 Appropriation bill which he signed in to law would be difficult if not impossible to implement because of the alterations members of the National Assembly effected on the budget proposal submitted to them on November 7th 2017. The president said the law makers injected 6,403 projects of their own amount to ₦ 578bn in to the budget while making a cut amounting to ₦ 347bn in the allocations to ₦ 4,700 projects proposed by the executive.

The president observed also that many of these projects cut were critical to the economy of the nation and might be difficult, if not impossible to implement with such a reduction in allocation. However, some of the new projects inserted by the lawmakers were not properly conceptualized; designed and costed therefor the implementation will be difficult.

These projects affected by the cut in the National Assembly are regionally and nationally strategic as well as critical projects of the government that are aimed towards economic growth and sustainability were affected by these cut by legislature from the amount budgeted by the executive.

The new projects introduced by the National Assembly were added to the budget of MDA’S that lack the capacity for implementation those projects.

The situation (Abdulmumin, 2016) referred to as” budget padding.”

” (Tinubu, 2019) collaborated this when he accused Senate President Bukola Saraki and the speaker Yakubu Dogara when he noted that;

“The President of the Senate Bukola Saraki and the Speaker House of Representative Hon. Yakubu Dogara padded the national budgets for the four years the party has been in power. The two presiding officers always padded the budgets with pet projects that profited them while they cut funds meant for projects that would have benefited Nigerians.

However, some of those new projects conceptualized by the National Assembly are projects that are responsibility of states and local government of the federation. The strategic infrastructure projects affected includes the counterpart funding for the Mambilla power plant, the second Niger Bridge /ancillary roads, the East-west road, Bonny-Bodo Road, Lagos Ibadan express way and Itakpe-Ajaokuta Rail project, these projects were cut by a whopping sum of ₦11.5bn. The other projects also affected are the provisions for some of the critical projects that are ongoing in the previous year’s budget in the FCT Abuja which include roads and the mass transit rail project were cut by the legislature to a tune of ₦ 7.5bn.

The provision for rehabilitation and additional security measures for the United Nations (UN) building in the FCT Abuja was also affected by the cut amounting to ₦ 3.9bn from the proposal by the executive of ₦ 4bn to ₦ 100mn. Furthermore, the provisions for the various strategic interventions programmes of government in the health sector aimed at up grading of some tertiary health institutions in the country as well as transport were cut by ₦ 7.45bn other projects affected by the cut by the National Assembly in the same 2018 budget includes, the provision of security infrastructure in the 104 unity schools across the Nation were cut by ₦ 3bn , the provision for federal government Housing program were cut by ₦ 8.7bn, the provision for export expansion grant (EEG) and the special zones and industrial parks which are key industrialization initiatives of the Mohammadu Buhari administration were also cut by ₦ 14.5bn, the provision for the construction of terminal building at Enugu Airport was cut by ₦ 1.5bn, from ₦ 2bn to ₦ 500mn among others projects too numerus to mention. The aforementioned was only in 2018 appropriation act alone. See tables and figures respectively for the variations that had existed within the period

2018 budget indicates the highest increased within the period. This trend has persisted from the inception of the fourth republic to the period of this study.

The development which had effect on governance in Nigeria leading to inadequate provision of basic amenities, infrastructure, employment opportunities for the youths, quality economic growth, poverty reduction, abandoned projects (Obadan, 2014). All these are caused by the noncooperative, conflictual, and frosty executive -legislature relationship that has existed in the Nigerian budget process in the 7th and 8th National Assembly (2011-2019)

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

This chapter presents the summary conclusion and recommendation of the study

5.1 Summary of findings

The focus of this study is assessment of executive-legislature relationship in the Nigerian budget process a study of the 7th and 8th National Assembly of the Fourth Republic (2011-2019), the study was designed to assess the pattern of executive- legislature relationship in budget process of both Assemblies. The objectives of the study were to investigate the extent to which the legislature in the 7th and 8th National Assembly were able to perform their constitutional roles of enactment of the appropriation act, perform their oversight functions over the executive arm of government in the budget process in accordance with section 81 and 88 1999 Constitution (CFRN) as amended and to interrogate the factors responsible for the pattern of relationship that existed among the two arms of government within the period of study. And also the implications of the pattern of relationship that existed between these two arms within their domain in the operations of governance.

In order to achieve the objectives stated above, adequate research methodology was adopted which includes survey research design, purposive sampling technique; data were collected through the use of questionnaires, while purposive sampling provided the primary data, while secondary data were obtained from articles, journals, books, newspapers, standing rules, Constitution etc.

Percentage was used with the aid of Statistical Package for the Social Sciences (SPSS 16.0) for the analysis of the data collected.

The findings revealed that executive-legislature relationship in the budget process in the 7th and 8th National Assembly was frosty, conflictual and uncooperative despite the ruling party having an overwhelming majority in the legislature within the period of study.

Findings also revealed that there were executive interferences in the legislature budget process in the 7th and 8th National Assembly. And also that there were no executive interferences in the legislature's finances in the 7th Assembly, but on contrary, there were executive interferences in the legislature's finances in the 8th National Assembly, and that there was no any executive interference in the legislative appropriation bills approvals and oversight activities in the 7th and 8th National Assembly.

Findings further also shows that the reasons for this highly frosty relationship in ability of the ruling All Progressive Congress (APC) arriving at a consensus with their party member in the legislature on a collective choice of candidates for the leadership positions in the two chamber unlike the People's Democratic Party in the 7th National Assembly. While in the 7th Assembly the executive-legislature relationship in the budget process was less frosty, less conflictual and less uncooperative than what was experience in the 8th National Assembly. Further findings revealed the following that in the 7th Assembly elections into the leadership positions in the two chambers of the legislature was not a factor responsible for the pattern of executive-legislature relationship that existed in the budget process in the 7th Assembly. While in the 8th Assembly the candidates being nominated by the ruling party (APC) could not win the leadership elections into two legislative chambers was responsible for the executive-legislature relationship pattern that existed in the budget process of the 8th National Assembly. And in the 7th National Assembly the resistance of executive dominance by the legislative arm was not a factor that accounted for the pattern of relationship that existed between the executive and the legislature in the budget process. While in the 7th National Assembly the resistance of executive dominance by the legislative arm accounted for the pattern of relationship that existed between the executive and legislature Furthermore, finding revealed that the frosty relationship pattern in the budget process of the 7th and 8th National Assembly effect on governance caused late budget submission, late approval and poor implementation which resulted

to low infrastructural development, low level of employment among others within the period of this study.

5.2 Conclusion

The Executive-Legislature relationship in the budget process between the 7th and 8th Nigerian National Assembly as provided in the presidential system of government in Nigeria and also provides the framework for executive and Legislature relationship in the budget process which premises on the principles of separation of power, and functions of the executive and the Legislature in (CFRN) 1999 Constitution as amended (section 4 and 5)

The relationship between the executive and the legislature is fundamental in the operations of governance in Nigeria considering the centrality of budget to public policy formulation, implementation and evaluation and also the effectiveness required in governance toward delivering the dividends of democracy to the citizens and the enhancement of economic development of the nation by ensuring a smothered business circle through which micro economic stability is achieved.

The executive and the Legislature are the two most important actors in the budget process it is therefore imperative for both arms of government to keep within the boundaries of their constitutional powers and function as stipulated in section 4 and 5 of the Constitution for a harmonious relationship in the budget process is a panacea for growth, development, good governance and democratic consolidation in Nigeria.

However, where there are disagreements in their functions and powers they should approach the judiciary to seek for judicial interpretation of the Constitution.

5.3 Recommendations

In view of the above findings in the study, the following recommendations were made, however wish to humbly states that some of these recommendations had been made earlier in the extent

literature by scholars in field of executive- Legislature relations and the Nigerian budget process they are as follows;

- i. Constitutional Amendment section 80, 81 and 82 of the Constitution respectively require amendment as they relate to the budget process because section 80 (2-4) which gives the powers of appropriation to the National Assembly for expenditure of government funds needs to explicitly specified in details the extent to which the Legislature exercises that powers of the purse through appropriation. That is to say whether it can alter unilaterally the estimates submitted by the executive in the proposal or not for the purposes of clarify. Because lack of specification by this section in the Constitution lies at the center of conflict between the executive and the Legislature in the budget process. Similarly, section 81 (1) had been found to have constituted a challenge in the budget process considering the fact that its only provides a time frame for the submission of the budget estimates to the National Assembly which mandates the president at any time in each financial year to submit estimates of the revenues and expenditure of the Federation for the next following year to the National Assembly. The interpretation of this sub-section (1) implies that the budget can even be submitted to the National Assembly even on 31st of December being the last day in the year is still in compliance with to the law (the 1999 Constitution). There is urgent need for an amendment that can provide for both time frame and time lines for both the executive and the Legislature for submission and passage of the budget for timely implementation.

An amendment is also recommended for section 82 that empowered the president to withdraw moneys from the consolidated revenue of the federation to meet government expenditure in instances when there is a delay in passage of the appropriation for a given year other than the National Assembly. This has attracted criticism by expert and it has been subjected to abuse by most Nigerian presidents thereby contributing to an ineffective and inefficient budget process

in the country. The amendment should reflect like what the United State Constitution provides for a total short down of the government where a budget is not pass by the congress, this gives both the executive and the Legislature (Congress) a matching order to work round the clock to ensure that a budget is ready before the beginning of every year to avert a short down in the United States since our democracy was modeled a fter them we need to copy too certain norms that will strengthen and solidify democratic governance in Nigeria by ensuring that the power of the purse is exclusively reserved for the Legislature than it being shared with the executive as its stand today in Nigeria by virtue of section 81 of 1999 Constitution.

- ii. The budget reform bill of the 8th National Assembly should be revisited and passed in to law to address the present challenges that has bedeviled the Nigeria's budget process for effective and efficient process of budgeting.
- iii. There should be a robust pre-budget interface meeting between the executive and legislature in the entire budget process from formulation to implementation and evaluation to reduce areas of friction as it was done during president Shehu Shagari when he used to hold such pre-budget sessions meetings monthly with body of principal officers and members of the opposition parties in the legislature to discuss budget related issues as they affect the economy of the nation. This was aim at acquainting the legislature with the policy agenda and direction of the administration and challenges.

4) The directorate of budget, planning and research services of the National Assembly and the research department of NILDS should make provisions for assigning their budget and research officers to work closely with key ministries that are critical to the delivery of policies of the government such as Health, Transport, Aviation, Education, Agriculture among others. The essence is to enable these officers to enlighten the members of the legislature on the importance of these policies of government and how these policies emanated and their benefits to the overall economy and as this officers are from the National Assembly, the law makers will listen and

equally be convince and these projects will be considered when presented for consideration stage of the budget as the legislature will already be aware of them.

5.4 Suggestions for further Research

The following suggestions were put forward for further research to be conducted. They are as follows;

- i. Executive- legislature relationships in the budget process at the states Assemblies in Nigeria.
- ii. An assessment of executive-legislature relationship in the treaty making process in Nigerian Fourth Republic.

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**APPENDIX I
QUESTIONNAIRE**

National Institute for Legislative and
Democratic Studies/Uniben, No.1
River Niger off Danube Street,
Maitama, Abuja – FCT.
8th February, 2020

Dear Respondent,

I am master's degree student of the above mentioned institution undertaking a research on the topic "*Executive- Legislature relationship in Nigeria's Budget Process*" (A study of 7th and 8th National Assemblies Abuja).

This is in partial fulfillment of the requirements for the award of a master's degree in parliamentary Administration.

Please carefully read through the questionnaire attached and provide appropriate answers. Hence be assured that the information provided in this questionnaire shall be treated with utmost confidentiality and used only for the purpose of this research work.

Thanks for your anticipated cooperation.

Yours Faithfully,

**AWOR JAMES EKONG
(Student)**

APPENDIX II



National Institute for Legislative and Democratic Studies/Unibe,
No. 1 River Niger off Danube Street,
Maitama,
Abuja-FCT.
19th February, 2020

The Director General,
Budget Office,
Federal Ministry of Finance,
Central Business District,
Abuja-FCT.

FORWARDING OF QUESTIONNAIRE

I am a master degree student of the above named Institution conducting a research on *executive Legislative relationship in the Nigerian Budget process*, a study of the 7th and 8th National Assembly. This is in fulfillment of the requirements for the award of a master's degree in Parliamentary Administration.

In view of this, I am soliciting for respondents from the staff of the Budget Office which constitutes my sample size to be used for this study. I attached with this request 20 copies of questionnaire to be completed by the staff.

I count on your consideration and approval for completion of the questionnaire please.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Awor James Ekong".

Awor James Ekong
(Student)

National Institute for Legislative and
Democratic Studies/Unibe,
No. 1 River Niger off Danube Street,
Maitama,
Abuja-FCT.
19th February, 2020

The Permanent Secretary,
Budget and National Planning Commission,
Central Business District,
Abuja-FCT.



FORWARDING OF QUESTIONNAIRE

I am a master degree student of the above named Institution conducting a research on *executive Legislative relationship in the Nigerian Budget process*, a study of the 7th and 8th National Assembly. This is in fulfillment of the requirements for the award of a master's degree in Parliamentary Administration.

In view of this, I am soliciting for respondents from the staff of the Budget and National Planning Commission which constitutes my sample size to be used for this study. I attached with this request ~~10~~ copies of questionnaire to be completed by the staff.

I count on your consideration and approval for completion of the questionnaire please.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Awor James Ekong".

Awor James Ekong
(Student)



National Institute for Legislative and
Democratic Studies/Unibe,
No. 1 River Niger off Danube Street,
Maitama,
Abuja-FCT.
19th February, 2020

The General Secretary,
Nigerian Bar Association,
National Secretariat,
Central Business District,
Abuja- FCT.

FORWARDING OF QUESTIONNAIRE

I am a master degree student of the above named Institution conducting a research on *executive Legislative relationship in the Nigerian Budget process*, a study of the 7th and 8th National Assembly. This is in fulfillment of the requirements for the award of a master's degree in Parliamentary Administration.

In view of this, I am soliciting for respondents from the members of the Nigerian Bar Association which constitute my sample size to be used for this study. I attached with this request **35** copies of questionnaire to be completed by member of the (NBA).

I count on your consideration and approval for completion of the questionnaire please.

Yours faithfully,

Awor James Ekong
(Student)

SECTION A (DEMOGRAPHIC INFORMATION OF RESPONDENT)

Please tick the appropriate box below:

1. Sex: Male () Female ()

2. Age

20-30yrs () 31-40yrs () 41-60yrs () 61- above ()

EDUCATION STATUS /QUALIFICATION

What is your highest qualification?

(a) Ph.D ()

(b) Master's Degree ()

(c) HND/B.SC//B.ED/B. ENR ()

(d) ND/NCE ()

(e) SSCE/ WAEC ()

(f) First School Leaving Certificate ()

PLACEOFWORK (PUBLICSERVANT); Executive Arm () Legislative Arm () CSO's ()

Academia () Professional Bodies () Donor Agency () Organized private Sector ()

SECTION B

Please tick according to the scale rating from 1-5 below, the scales are for the 7th National Assembly

(2011-2015), and for rating the 8th National Assembly (2015-2019)

Please kindly tick for 7th & 8th NASS respectively

Strongly agreed	Agreed	Undecided	Disagreed	Strongly disagreed
1	2	3	4	5

SECTION C: what is the pattern of executive-legislature relationship in the budget process between the 7th and 8th National Assembly?

		7 th NASS 20112015					8 th NASS 20152019					
1	The executive-legislature relationship in the budget process between the 7 th and 8 th National Assembly was very frosty	1	2	3	4	5		1	2	3	4	5
2	The relationship of the executive and the legislature in the budget process between the 7 th and 8 th Assembly was characterized with disagreement on budget issues	1	2	3	4	5		1	2	3	4	5
3	The executive-legislature relationship in the budget process between the 7 th & 8 th Assembly was more of executive-legislature arrogance.	1	2	3	4	5		1	2	3	4	5
4	Executive-legislature relationship in the budget process between the 7 th and 8 th National Assembly was merely a struggle for political power	1	2	3	4	5		1	2	3	4	5

SECTION D: what is the extent of Executive interference in the Legislative budget process between the 7th and 8th National Assembly?

		7 th NASS 20112015						8 th NASS 20152019						
		1	2	3	4	5		1	2	3	4	5		
1	There was incidences of executive interference in the legislature’s budget between the 7 th and 8 th National Assembly													
2	There was executive interference in the finances of the National Assembly between the 7 th and 8 th Assemblies.													
3	The process of passage of the Appropriation Acts in the National Assembly between the 7 th and 8 th Assembly was marred with executive interference.	1	2	2	2	2		1	2	3	4	5		
4	There was executive interference in the oversight activities of members of the National Assembly between the 7 th & 8 th Assembly.	1	2	3	4	5		1	2	3	4	5		

SECTION E: what are the factors responsible for the pattern of executive –legislature relationship in the budget process between the 7th and 8th National Assembly?

		7 th NASS 2011-2015						8 th NASS 2015-2019				
1	Leadership election in the two chambers of the National Assembly was responsible for the pattern of executive relationship that was seen in the budget process between the 7 th and 8 th Assembly	1	2	3	4	5		1	2	3	4	5
2	Resistance to executive dominance by the legislature was what led to the pattern of executive-legislature relationship that existed in the budget process between the 7 th and 8 th National Assembly	1	2	3	4	5		1	2	3	4	5
3	Inadequate knowledge and applications of the Constitution was responsible for the pattern of executive-legislature relationship that was experience in the budget process between the 7 th and 8 th National Assembly	1	2	3	4	5		1	2	3	4	5
4	The influence of political parties was what causes the pattern of executivelegislature relationship that was seen in the budget process between the 7 th and 8 th Assembly	1	2	3	4	5		1	2	3	4	5

SECTION F: what are the implications of the pattern of executive –Legislature in the budget process between the 7th and 8th National Assembly on governance?

		7 th NASS 2011-2015					8 th NASS 2015-2019				
		1	2	3	4	5	1	2	3	4	5
1	The pattern of executive-legislature relationship in the budget process between the 7 th and 8 th Assembly leads to delay in the passage of the budgets										
2	The executive-legislature relationship in the budget process between the 7 th and 8 th Assembly was responsible for the poor implementations of the budgets										
3	The executive- legislature relationship in the budget process between the 7 th and 8 th Assembly slows infrastructural development.										
4	The pattern of the executive-legislature relationship in the budget process between the 7 th and 8 th National Assembly let to increase in unemployment in Nigeria										