EXECUTIVE-LEGISLATIVE RELATIONSHIP AND ITS EFFECT ON POLITICAL DEVELOPMENT IN NIGERIA

IHEMEJE CHIDIEBERE CHINWEUBA GODSWEALTH

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EXECUTIVE-LEGISLATIVE RELATIONSHIP AND ITS EFFECT ON POLITICAL DEVELOPMENT IN NIGERIA

By

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Thesis Submitted to the School of Graduate Studies, Universiti Putra Malaysia, in Fulfilment of the Requirements for the Degree of Master of Science

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DEDICATIONS

This research work is dedicated to God Almighty. Also, to my parents, Lay-Reader & Mrs. Christian Chukwuemeka and Hulda Udochi Ihemeje for all their never ending prayers, love and tremendous care in my academic pursuit in a foreign land.
Abstract of the thesis presented to the Senate of Universiti Putra Malaysia in fulfilment of the requirement for the degree of Master of Science

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By

IHEMEJE CHIDIEBERE CHINWEUBA GODSWEALTH

February 2017

Chairman : Professor Zaid Bin Ahmad, PhD
Faculty : Human Ecology

The focus of this study is on the executive and legislative relationship in Nigeria’s Fourth Republic. The executive and legislative relationship in model government is crucial to any meaningful institution, inter-dependency, and harmony. It discusses the fundamental roles, personnel and constitutional powers of the executive and legislature. The executive-legislative relationship ought to promote harmony, checks and balances and political development. However, in Nigeria this relationship has witnessed suspicion, blackmail, intrigues and acrimony. The Military in Nigeria politics has relegated the legislative institution and allocated more powers to the executive which has contributed to executive interference in the legislative process. This has had negative implication on the independent of the legislative in Nigeria. Based on this, this study focuses on examining the factors influencing executive and legislative conflicts and harmony. It explains the extent of executive interference in the legislative functions and the implications of this relationship on political development in Nigeria’s Fourth republic.

A qualitative method is used in the research and the data are collected mainly through document analysis and supported with interviews from twelve informants. The informants are selected among the executive ministers, legislators, academicians, and seasoned politicians. All informants are well informed with over ten years working experience. The interviews were tape-recorded and transcribed which supported document data analysis. This research used content analysis to descriptively analyze the results from documents and interviews.

The importance of this study is to help administrators of the Nigerian State crafts on whose shoulder much is anticipated, to harmonious and interdependently work for the development of the nation. It is also important to help aspiring leaders to understand the working relationship between the executive and legislatures in a presidential setting.
Evidence from findings showed that there is a sour and injurious relationship between the executive and legislative, and this has had a negative impact on political development. Again, the extent of legislative independence is crucial to a presidential system, but findings showed that executive supremacy over legislature has undermined the institution from successfully performing the roles of representing the people through law-making and oversight.

This study emphasizes and recommends the need for a Constitution Drafting Committee and Constituent Assembly to totally draft a fresh Constitution for Nigeria to address the current unjust political structures, other than the constitution in use as handed down by the Military. This will promote adherence to the rule of law and prosecution of political offenders, and by so doing, the executive and legislative arms of government will confine themselves to their constitutional roles and be partners in progress in nation building and development.
Abstrak tesis yang dikemukakan kepada Senat Universiti Putra Malaysia sebagai memenuhi keperluan untuk ijazah Master Sains

HUBUNGAN EKSEKUTIF-UNDANGAN DAN KESANNYA TERHADAP PEMBANGUNAN POLITIK DI NIGERIA

Oleh

IHEMEJE CHIDIEBERE CHINWEUBA GODSWEALTH

Februari 2017

Pengerusi : Profesor Zaid Bin Ahmad, PhD
Fakulti : Ekologi Manusia


Kajian ini adalah penting bagi membantu para pentadbir Nigeria yang banyak terlibat untuk bekerja secara harmoni dan bergantung antara satu sama lain dalam membangunkan negara. Ia juga penting untuk membantu bakal pemimpin dalam
memahami hubungan kerja antara eksekutif dan badan perundangan dalam suasana yang sesuai.

Bukti daripada hasil kajian menunjukkan bahawa terdapat hubungan buruk dan memudaratkan antara eksekutif dan perundangan yang memberikan kesan negatif terhadap perkembangan politik. Sekali lagi, kemerdekaan sesuatu perundangan adalah penting bagi sesebuah sistem pimpinan. Akan tetapi, kajian mempamerkan bahawa kuasa eksekutif ke atas badan perundangan telah melemahkan institusi itu daripada berjaya melaksanakan peranannya dalam mewakili rakyat melalui penggubalan undang-undang dan pemantauan.

Kajian ini menekankan dan mencadangkan keperluan Jawatankuasa Penggubal dan Majlis Perlembagaan untuk merangka perlembagaan baru Nigeria bagi menggariskan ketidakadilan dalam struktur politik semasa, berbeza daripada perlembagaan semasa yang diturunkan oleh tentera. Ini akan menggalakkan pematuhan kepada kedaulatan undang-undang dan pendakwaan pesalah-politik. Dengan demikian, para eksekutif dan perundangan kerajaan akan lebih tertumpu kepada peranan mereka dalam perlembagaan dan bersatu dalam memajukan dan membangunkan negara.
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My acknowledgement first and foremost, goes to God, who has kept me safe and sound throughout this master research work. I would have achieved nothing without Him by my side. However, no one is an icon of knowledge and none can claim a monopoly of knowledge. An exercise of this nature can only be completed with the true assistance of other experts. A determination is the first step toward success, no matter the obstacles confronting the goals, courage determines excellence.

I will not hesitate to acknowledge many people who have assisted and gave their professional advice throughout this research. I owe it as a debt to my advisor, Prof. Dr. Zaid Bin Ahmad, and assistant supervisor Prof. Jayum Anak Jawan for their tremendous encouragement, advice, guidance and attention to my study even in the midst of their tight schedules. They exhibited a high level of tolerance and patience, making corrections and suggestions in a friendly disposition and excellent supervision to my work. They were not tired proofreading all my manuscripts and showed professionalism in student-supervisors’ relationship in the course of my work.

When it comes to parental love, I cannot fail to acknowledge the unconditional love of LR and Mrs. Christain and Hulda Ihemeje for their constant prayers asking God to see me through in whatever I decide to do. Their vision, revelations, words of encouragement and spiritual support did wonderfully and kept me going when I needed them most. My own family was with me and through their ever present I was able to fight doggedly not to disappoint them. I will like to mention my wife: Josephine Ebere, and Kids: Joyce, Gift, and Josephine-Ijeoma. You guys are the reason for my struggles.

My special thanks go to Dr. Ifeanyi Severus Odoziobodo; you have been my mentor from graduate level until now. Your efforts to my success are tremendous and I dare not fail to acknowledge you. Other people include my siblings, peers, and friends for all your support and advice while I undertook my postgraduate research studies.
I certify that a Thesis Examination Committee has met on 6 February 2017 to conduct the final examination of Ihemeje Chidiebere Chinweuba Godswealth on his thesis entitled "Executive-Legislative Relationship and its Effect on Political Development in Nigeria" in accordance with the Universities and University Colleges Act 1971 and the Constitution of the Universiti Putra Malaysia [P.U.(A) 106] 15 March 1998. The Committee recommends that the student be awarded the Master of Science.

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This thesis was submitted to the Senate of Universiti Putra Malaysia and has been accepted as fulfilment of the requirement for the award of degree of Master of Science.

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School of Graduate Studies
Universiti Putra Malaysia

Date:
Declaration by graduate student

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- quotations, illustrations and citations have been duly referenced
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Signature: 
Name of Member of Supervisory Committee:  
Professor Dr. Jayum Anak Jawan
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<tr>
<td>AU</td>
<td>Africa Union</td>
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<tr>
<td>CBN</td>
<td>Central Bank of Nigeria</td>
</tr>
<tr>
<td>CAR</td>
<td>Constituent Assembly Report</td>
</tr>
<tr>
<td>ECOWAS</td>
<td>Economic Community of West African States</td>
</tr>
<tr>
<td>FRN</td>
<td>Federal Republic of Nigeria</td>
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<tr>
<td>ICPC</td>
<td>Independent Corrupt Practices Commission Acts</td>
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<td>INEC</td>
<td>Independent National Electoral Commission</td>
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<tr>
<td>MDA</td>
<td>Ministries, Departments, and Agencies of Government</td>
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<td>NA</td>
<td>National Assembly</td>
</tr>
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<td>NCSL</td>
<td>National Conference of State Legislatures</td>
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<td>NOA</td>
<td>National Orientation Agency</td>
</tr>
<tr>
<td>NDCC</td>
<td>Niger Delta Development Commission</td>
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<tr>
<td>NFR</td>
<td>Nigeria Fourth Republic</td>
</tr>
<tr>
<td>NNPC</td>
<td>Nigerian National Petroleum Corporation</td>
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<td>PTDF</td>
<td>Petroleum Trust Development Fund</td>
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<tr>
<td>PTF</td>
<td>Petroleum Trust Fund</td>
</tr>
<tr>
<td>PHCN</td>
<td>Power Holding Company of Nigeria</td>
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<td>UNO</td>
<td>United Nations Organization</td>
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CHAPTER 1

INTRODUCTION

1.1 Introduction

This chapter provides a general overview of the background of the present study, including, the statement of the problem, objectives, and significance of the research. The chapter also discussed the scope and limitation of the study, and the Organization of the thesis.

1.2 Background of the Study

The relationship between the Legislative and Executive branches of government has always been a constitutional means of running the affairs of any state. Each of these arms has a function that is so inter-dependent on the duties and responsibilities they play to maintain their existence and promote development in the polity. However, there seems to be a constant, unavoidable tussle between the executive and legislature that may result in mutual understanding or conflicts in the implementation of their constitutional obligations. But the system of checks and balances has a lot to do to determine how these two arms unite to foster democratic standard in the Nigerian context.

Co-existence of the relationship between executive, legislative and judiciary as organs of government can lead to political development which is imperative for every country. The political development indicates the level of social, political and economic progress (Pye & Verba, 2015). The pattern of political development of a country has three major dimensions; this includes the political, cultural and social aspects (Ogai, 2003). Political development is the institutional capacity to meet the demands and challenges of people in modern society in carrying out public policies which are a necessary condition for realizing higher standard; this involves the systemic political capacity to manage public affairs and controversy as well as cope with popular demands (Pye & Verba, 2015). Ideally, political development is considered development from a state that seems to be undesirable to a state that is more attractive and desirable; that is tradition versus modernity (Kingbury, 2007).

Traditional institutions, for example, Great Britain survives series of violent ideological confrontations; this does not necessarily mean that the traditional system must change to modern society to prove its higher level of political development (Grew, 2015). Political development is not the same as a political power; it represents progress that affects the institutional structures (La Palombar, 2015). Thus, Oxford Dictionary viewed political development as institutions, attitudes, and values that form the political power system of society. Political development is also considered as the process of adjustment of the political system at any historical stage of the overall development, to the functions required by this system as they arise from socio-
economic to structural political conditions (Jaguaribe, 1968). The author was of the view that the executive and the legislative relationship is the key to modern socio-political development.

According to the National Conference of State Legislatures (NCSL, 2016), the success of the executive and legislature relations can be considered on the ability to maintain a sustained political development through law making and policy implementation, and the extent to which these arms of government are separated functionally between them. The executive and legislative relationship is crucial to both the parliamentary and presidential system. For instance, countries like the United Kingdom and the United States have significant demarcation of the success rate of executive and legislative relations over policy issues (Diermeier & Vlaicu, 2011).

In the United Kingdom where the parliamentary system of government is in practice, it is observed that there is a high rate of mutual relationship between the prime minister and the legislature regarding policy issues compared to the United States which is at an average level. However, the rate of the relationship between executive and legislature in other parts of the world such as Argentina and Italy are considered to be significantly lower than the rate in the United States (Diermeier & Vlaicu, 2011). The most distinct quality of the presidential government is the independence of the legislative and executive, but the parliamentary system has a high rate of success in the executive and legislative relationship because of fusion of powers which is not so in the presidential democracies because of the doctrine of separation of powers (Amie, 2009).

In Africa, the power relationship between the executive and the legislature is interesting to study. Understanding the executive and legislative relationships in Africa like Mozambique and Nigeria gives a clear view on her level of political development and what democratic principles means to them (Kotzé, 2013). African leaders assume powers through democratic procedures but their behaviors after that have contributed to the level of development most of the African countries face. Most African executive and legislatures have designed a better interdependent means of achieving democratic progress, while some of the African presidents prefer to deal with robots instead of the independent legislators, and this has explained the reason behind the executive attitudes towards the legislatures in Africa, and why the conflicts have no end. For the African political elites, the African executive often seeks to turn the legislative assembly into a cheerleader, they reject and ridicule any issues that do not fit their views but only believe in their opinions (Oko, 2014).

Arter (2013) contends that the African Executive, who cannot work in a vacuum, demands cooperation from the legislature and create room for negotiation and commitment towards a genuine interaction between them. The extent of collaboration or contempt between these arms in Africa is a signal that both the executive and legislature can foster or manipulate the process to achieve a political goal. Meanwhile, for the lawmakers to remain a partner in progress they see confrontation instead of cooperation as the only way out of executive impunity to assert their authority (Oko,
In Africa and most parts of developing world, political development is recognized as the most critical challenge (Fortes & Evans-Pritchard, 2015).

Leaders at the inception of political freedom in Africa were more concerned about controlling the political power, which as a result neglected its institutional structures that would have been a pace setter to harmonizing the conflicts whatsoever that come from intra-governmental issues (Kotzé, 2013). However, efforts were made to include a national character in the sharing of political offices as there were multiple tribes in Nigeria. Failure of these elites (new political leaders at independence) in providing the necessary political will to tackling the decay institution and none provision of basic infrastructures, coupled with the overzealous and greediness of the new breed of politician led to the abandonment of the various policies and this gave way to a military takeover.

Nigeria started off with the Westminster parliamentary system of government after independent which was discovered to have had a serious constitutional problem for both the founding fathers as well as its practices by those in government. There was no clear separation of powers from the functions and duties of the executive and that of the legislature (Momoh, 2000; Akinwumi, 2004). In their opinion, the uncertainties of Nigerian’s experience with the Parliamentary system led to the adoption of the American Presidential model at the First Republic in 1963. Sequentially, the Military struck and set aside this democratic setup and ushered in dictatorial regimes. Upon Military takeover, there were suppression and victimization of the press and extra-judicial murder.

According to Constituent Assembly Report (CAR, 1977/78), for thirteen years the Military appropriated what was left and do away with the legislative structure and rule by laws and decrees, invariably making the institution of legislature inactive within the time it occupied the office. However, the Military Head of State also served as the chief administrator and executive in the government of the day, preserving the executive institution and assigning more powers to it until in October 1979, when the Military restored back civilian rule in Nigeria (Oni, 2013).

It is important to note that, Nigeria upon civilian handover never returned to Westminster type of government, but adopted the American style of government for unity and separation of powers inherent in the presidential system. The report suggests that the President will have a clear role and powers which do not infringe on the duties of the legislative as an independent organ, so as to enhance both institutions of government function and perform effectively and efficiently. In this regards, each arm is vested with the constitutionally defined powers to work as well as collaborate with one another in the function and use of their powers (Fasagba, 2010). The separation of roles between the executive and the legislature is viewed as respect for the Constitution because each organ will have to derive its powers from general elections in the form of a direct vote, as well as from the constitution (Ekweme, 2005).
The separation of authority between the executive and legislature was distorted when the Military returned to power in 1983. It took the efforts of the press, the international community, and some political stakeholders to come to the rescue of Nigerians for the Military to hand over the mantle of leadership to an elected President in 1999. Hence, there was a handing over of constitution reform of 1999 by the former Head of State Abdulsalami Abubakar. On May 29, 1999, Nigeria evolved into a democratic dispensation. Below is a chronology of Military and Civilian regimes in Nigeria.

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Based on the 1977/78 report as stated earlier, the 1999 constitution was to be in force provided that Nigeria shall be a Federation comprising of 36 States and the Capital City in Abuja. Therefore, the 1999 constitution made more emphasis on the roles of the executive and the legislature; indicating that no arm of government shall neither be neither superior nor subordinate to the other arms. The stipulation further said that each branch of government would be independent in its area of jurisdiction irrespective of the constitutional procurements that all legislative powers be vested in the legislature. However, Part II Sec. 4 of 1999 Nigeria Constitution stated that the executive, regardless of the fact that they execute laws equally has legislative powers to formulate public policy that would be examined and sanctioned by the legislature since the executive proposed the majority of the bills approved by the legislature.
Intermittently, the president may propose legislation which is accepted as crucial and similarly has the power of veto (Oni, 2013).

To further understand the position of law on the roles of the executive and legislature, Oshio (2004) argued that by separating the function of both arms of government does not necessarily mean a strict division that would create vacuum in government; rather it was done to uphold the doctrine of separation of powers, in order to maintain a functional government. Meanwhile, the legislature is empowered to impeach the president for any conviction of a misdemeanor or other crimes irrespective of the president’s power of veto over any bill passed by the legislature. Also, the President's public office holder nominees like the chief justice of Nigeria or other administrators are also subject to confirmation by the legislature (Taiwo, 2010).

The legislature also exercises oversight functions, among which include; the power to conduct an investigation relating to any matter of governance (Ahmadu and Ajiboye, 2004). Another area of control by the Legislature in its oversight is the power over public finance. The legislature also scrutinizes government spending with annual budgets. Saffell observed that in all the functions of the legislature the power to examine the public finance or budget seems to be more crucial and more jealously guarded, than its powers to make laws (Saffell, 1989). The Judicial arm, though not the subject of this study also has a constitutional mandate to mediate through court action, the power of judicial review over the lawmakers and the executive actions respectively. For these arms of government to work harmoniously without conflicts of infringement, it depends on how both the executive and legislatures position themselves in carrying out their constitutional functions and abide by the doctrine of separation to avoid impunity so as to render accountability to the people that voted them into power.

Nevertheless, there is a need for a meaningful relationship to exist between these two arms of government in Nigeria, because it is imperative to the vibrant functioning of the political structure (Kopecky, 2004). To this extent, it is pertinent to know whether the relationship between the executive and the legislature is cordial or conflictual. According to Magill, (2001) and Kopecky, (2004), some intellectuals find this relationship as a positive precondition for harmony. However, Aiyede, (2005) view these conflicts as bringing about deadlock and gridlock over policy decisions, hence make government ineffective.

1.3 Statement of Research Problem

The understanding of the separate but interrelationship between the executive and legislature would help in promoting the doctrine of checks and balances as well as resulting in apparent political development. Some scholars in their views see the executive and legislative performance as a relationship that ought to ensure harmony and guarantee the independence of the legislature (Dudley, 1982 & Fasagba, 2009). However, the relationship between these arms has become a struggling exercise for policy influence. Conflicts, wherever it occurs, can dent the image of the nation. These
conflicts are seen as a beneficial precondition to controlling government (Madison, 1992; Magil, 2001). Magil continued to state that for any policy output to become more meaningful, the executive and legislative arms of government must, as a matter of coexistence and cooperation, work mutually hand-in-hand for the actualization of the good governance.

However, studies have shown that executive and legislative relationship has been that of mutual suspicion, blackmail, and backsliding, lots of intrigues and acrimony (Aiyede, 2005; Nwannekanma & Ogbodo, 2010). This inherent problem is attributed to an unstable political system, factionalization of the polity, separatist agitation, and lack of trust, amongst others (McCandless & Karbo, 2011). Studies within and outside Africa also examined the constitutional problem and formation of public policies (Lewis, 2011; Momodu & Ika, 2013). It is against this backdrop that this study intends to look at the factors influencing the executive and legislative conflicts in Nigeria.

The executive interference in the affairs of the legislature has been observed as a major impediment to the success and independence of the legislature’s performance of representing the people (Bernick & Bernick, 2008). The manner in which the legislative arm has become a rubberstamp in legitimizing laws made outside its fold is worrisome as if they have lost the original constitutional powers of lawmaking to the executive (Heywood, 2007). Furthermore, some scholars have viewed the Nigeria legislative institutions as underdeveloped and are unable to carry out its legislative functions respectfully (Okoosi-Simbine, 2010; Saliu & Mohammad, 2010). The failure of existing studies to look into the executive interference in the failed republics that causes underdevelopment may not be unrelated to the bigger constitutional crisis. It is against this backdrop therefore that this study gears towards examining the executive interference in the legislative process that affects Nigeria development in the fourth republic.

Besides, there are literatures which focused on the implication of executive and legislative relationship to historical trends in Europe, America, Asia, and Africa (Kopecky, 2004; Aiyede, 2005; Fasagba, 2010). Meanwhile, to unravel these implications, as well as discover the areas of the executive dominance over the dependent legislatures, this study, therefore, tries to evaluate the implication of conflicts between the Nigerian executive and legislative relationship and proffer solutions on how to enhancing them for the better.

1.4 Research questions

This research in trying to understand the relationship of the Nigerian executive and legislatures adopted the following research questions:

(i) What are the factors influencing the executive and legislative conflict in Nigeria?
(ii) How does the executive interference in the legislative process affect development in Nigerian fourth republic?

(iii) What are the implications of the executive and legislative conflict in the development of the country?

1.5 Research Objectives

The objectives of this study are as follows:

(i) To identify the factors influencing the executive and legislative conflicts in Nigeria
(ii) To explain the effect of executive interference in the legislative process in the Nigerian fourth republic.
(iii) To evaluate the implications of executive and legislative conflict in the development of the country and proffer solutions.

1.6 Significance of the Study

This study will have an immense contribution and advantage to the administrators of the Nigerian states crafts on whose shoulder much is anticipated, and assist in rebuilding and ensuring a stable political framework that will be receptive to the necessities of the citizens in the democratic dispensation.

Moreover, the work serves as a useful piece of learning that will contribute to the existing literary works available to use; a resource material for the government strategy functionaries and the society as a whole and subsequently strengthen debates for further research.

Also, this study will equally support and help future aspiring leaders, as well as the present political actors to comprehend the working relationship of the executive and legislative in the presidential setting.

1.7 Scope and limitation of the study

The scope of this study is to examine the nature of executive and legislative relationship with its effect on political development in Nigeria. The research covers the period between 1999 and 2007 of the fourth republic in the history of Nigeria’s nascent democracy. There are some reasons for selecting this time. The period covered the first democratic regime of the Fourth Republic Nigeria. The former President Olusegun Obasanjo was elected for two tenures of four year each, making it eight years rule from 1999 until 2007. The former president was a Military, who later became the Military Head of State in Nigeria between 1976 and 1979. As a result, the
scope of this study covers the experiences of former President Olusegun Obasanjo's executive democratic regimes in Nigeria.

Before the present study, the executive and legislative operated under different forms of government; the parliamentary and presidential system of government in Nigeria. The relationship was not sustained which brought in Military regimes consecutively. The Military interruption continued until 1999 when the last Military Head of State finally agreed to return political powers to the civilian government, which will uphold the principles of checks and balances and respect the fundamental human right that is enshrined in the 1999 constitution of the Federal Republic of Nigeria as amended. This study also provided a comprehensive analysis of the level of independence of the legislative as an arm of government. Specifically, there were in-depth interviews, focusing on the degree of executive interference in the legislative functions in Nigeria; the implications of the unhealthy relationship between the executive and legislative were also analyzed as a guide that will foster social and political development in Nigeria.

This study also has several limitations. One of the limitations is the secondary source of data, which is the interview with serving executive and principal leaders of the legislative as informants of the study. Secondly, this study was restricted to individuals who are experienced in the working of the population. Finally, conducting a study based on existing documents and supported by the opinions of informants may encounter distinct challenges.

1.8 Organization of the Study

The study concentrates on the executive and legislative relationship in the Nigeria Fourth Republic. It discusses constitutional responsibilities, checks and balances and separation of powers between the executive and legislatures in promoting political development.

This study will constitute five chapters. Chapter one is a descriptive introduction to the study background. It also highlighted the statement of the research problem, research questions and objective, the significance of the study as well as the scope and limitation of the study, definition of terms as well as chapterisation.

Chapter two is the literature review. It constitutes reviews both empirical and theoretical literature related to the study. It provides subheading such as introduction, the theoretical and empirical literature on factors influencing the executive and legislative conflicts, executive interference in the legislative process that affects Nigeria development, implications of this conflict and theoretical framework.

Chapter three focused on methodology. It outlines the varied methods exploited for this study. It constitutes a Preamble, Research design, Rationale for using qualitative Research method, Sample and sampling size technique, Ethical reviews, Data
collection procedures, Data analysis, reliability and validity, Limitations of the research, Informants criteria of selection and justification and a brief conclusion.

Chapter four emphasize on data analysis and presentation of findings. Chapter five present the Summary, Conclusion, and Recommendation.
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