

## **Inter-Branch Power Relations at Sub-National Level in Nigeria's Presidential System: Kwara and Osun States in Focus**

Journal of Management and  
Social Sciences  
© The Author 2021  
Reprints and permission  
fountainjournalmanagementandss@gmail.com

**Ambali, AbdulRauf**

Kwara State University, Malete, Nigeria

**Abdulwahab, Alhaji Kayode**

Kwara State University, Malete, Nigeria

### **Abstract**

The rigid compartmentalization of the executive, legislative and judicial arms of government that is practiced at the sub-national level in Nigeria's fourth republic is a function of the retention of the presidential system of government at the inauguration of Nigeria's Fourth Republic in 1999. The critical component of the system is the operation and respect for checks and balances. The principal problem that afflicts executive-legislature relations at the sub-national level in Nigeria was the issue of imbalance in power. Executive domination that is rooted in historical and structural reasons reduces the State Houses of Assembly to junior partners in their activities. Notwithstanding the *modus* of their operations, the paper argues that cordial relations rather than conflict is critical in meeting/addressing the hopes and aspirations of the citizens whose primary concern is the growth and development of the society. The paper adopts a qualitative approach through interview sessions with key informants who were participants in the events of Kwara and Osun states in Nigeria that are cases of focus. In addition to empirical data, literatures, including journals, newspapers, books are consulted for the study. The paper finds that the gains that were recorded in the two states due to the smooth relationship were remarkable, it, however, concluded that if further checks and balances are deepened in their relations, the level of success would be enhanced and the developmental strides be would accelerated.

### **Keywords**

Executive, legislature, presidential, sub-national, checks and balances, imbalance

### **Introduction**

The rigid compartmentalization of the executive, legislature and judicial arms of government that is practiced at the sub-national level in Nigeria's fourth republic is a function of the retention of the presidential system of government at the inauguration of Nigeria's Fourth Republic in May 1999. The critical component

### **Corresponding author:**

Alhaji Kayode Abdulwahab, Department of Politics and Governance, Kwara State University, Malete, Kwara State  
Email: majoor3@yahoo.com

of the system is the operation and respect for checks and balances. The rationale is to engender rapid development of the elements of the state. An important ally in this connection was the constitutional obeisance for the principle of the supremacy of the party, which serves as the arbiter and balancing force to maintain equilibrium in their relationships. Due to a combination of factors which includes historical, structural and institutional weaknesses and the background and character trait of the pioneering president of the fourth republic, Chief Olusegun Obasanjo, the executive arm of government became dominant amongst the three arms of government. As a retired general of the army who had the fortune of taking the surrender of Biafran forces at the end of the 30-month-long civil war from 1967-1970 and being a former military Head of State from 1976-1979, he was tutored in dominating his environment. That is the character of the military in which he was trained where the command structure and hierarchical mode of operation is their creed. He was not used to sharing power. In contradistinction with his background, chapters four, five and six of the constitution which prescribed the jurisdictions of the legislature, executive and judicial arms of government respectively, however, made incisive provisions *de jure* in favour of power equilibrium. Under this scenario, the president 'captured' the supremacy of the party and personalized power to determine the people he preferred to work with, in the legislature. During his eight-year tenure, President Obasanjo through his surreptitious involvements or acts of commission and omission had five Presidents of the Senate in Evan Enwerem, Chuba Okadigbo, Anyim Pius Amyim, Adolphus Wabara and Ken Nnamami. In the House of Representatives, there were three in Salisu Buhari, Ghali Umar Na'Abba and Aminu Bello Masari. In Ogun state, when the members of the state legislature removed Mrs. Titi Oseni as the Speaker and replaced her with Hon. Tunji Egbetokun in 2007, which was to the discomfiture of Governor Gbenga Daniel, he virtually rendered the House inoperative by giving them a paltry sum of N1m to run the legislature (Personal communication).

The contemporary experience with the presidential system was unlike its operation at inception in 1979. At that time, the political party structure was the centrepiece of the government. The key decisions of the ruling party the National Party of Nigeria (NPN) was taken in a caucus of the party that was led by the chairman Chief Adisa Akinloye while President Shehu Shagari, Vice President Alex Ekwueme, Dr Joseph Wayas, and Dr. Olusola Saraki were members. The principle of checks and balances, which is the core of the presidential system, was not obfuscated, as witnessed so far, in this fourth republic. It is particularly so, at the sub-national level where the dominance of the executive over the legislature is palpable as a fact rather than fiction.

### ***Conceptual Clarification/Literature Review***

It was observed that there has been a steady decline in the equilibrium of power relations between the executive and the legislature, especially at the sub-national level in Nigeria. From the historical perspective Alabi (2009) described the

weakness of the legislature as a creation of the British colonial administration to engender their total control over the country because they occupied the executive realm. When the various legislative councils were instituted in 1922 under Hugh Clifford, 1946, Arthur Richards; 1951, Macpherson and 1954, Lyttelton which enabled the nationalists to made in-road into the legislative chambers, it was however, counterbalanced by the gargantua power of the colonial government exercised in the executive arm, which they occupied. This power was exerted through the media, security apparati and the bureaucracy as they pitted the sentiment and perception of the people against the nationalists to be seen as agitators and anti-government elements that were out to cause a distraction to the government. Mogaji (2017) and Awotokun (2000) were in concord that weak legislatures in Africa was a carefully designed strategy by the British government to make it subservient to the executive arm of government because it was controlled by the colonial officers. They designed the legislature to exist as a forum to, at best, ventilate only mild opinions that are not radical enough to change the status quo. These orientations have subsisted since post-independence Nigeria. The legislature has a weak structure, poor bureaucracy, and is deficit in infrastructural facilities (Onigbinde, 2000; Bakare, 2014).

The death knell of the development of the legislature in Nigeria, was the cumulative 28-year military rule in the country that obliterated the existence of the hallowed-chamber while the executive continued to exist. Paradoxically, during this period, the executive was gaining in experience, infrastructure and human capacity while the legislature was losing in these spheres. Incidentally, promotion of internal wrangling within the legislature, continued to be high in the 4th republic. Furthermore, and notwithstanding the provisions of chapter 5, part 1(A) section 50 (2) of the 1999 constitution which provided that the principal officers of the legislature can be removed by two-thirds of the members, it has been respected more in the breach than in its observance. This paper also posited that there were insufficient mechanism to safeguard the process because the provision is fluid and non-specific. It was therefore, susceptible to rigmarole, abuse and misinterpretation. This explained why the Speaker of the Kano State House Assembly Hon. Abdulahi Gwarmai could be removed for the laconic reason of 'bleaching his face and curling his hair like a woman' and replaced by Hon. Abdulahi Dan Shina in 2000 under Governor Rabiu Musa Kwankwaso (Ibrahim, 2014). Similarly, Governor Yahaya Bello supervised the removal of Rt. Hon. Jimoh Momoh as the Speaker of the Kogi State House of Assembly members with five out of 25 members ("Fresh crisis rocks Kogi Assembly, Speaker impeached by 5 out of 25 members, 2016). The humongous power of the Governor which includes being the chief security officer of the state and the financial resources at this disposal, gives him leverage to deploy security agencies and even thugs to threaten, harass and intimidate the

legislature effectively and ensuring that he could scare away those that would oppose his antics (Personal communication).

In contradistinction, the impeachment of the Governor and Deputy Governor is a rigorous process that commences in the legislature and ends at the judiciary, which is the apolitical arm of the government. This is encapsulated in chapter 6, part 2, sections 188 and 189 of the constitution. The first observation herein in the law is that to remove the principal officers of the legislature, only the legislature is involved. Whereas to remove the Governor and Deputy Governor, the three arms of government would play critical roles. In the first instance, there has to be a written notice of allegation(s) of gross misconduct as provided in chapter 6, part 2, section 188 (2) and approved by two-thirds of the members of the legislature. According to chapter 6, part 2, section 188 (2) b, the allegations must contain detailed and specific issues. Timeline of 14 days is provided in section 188 (2) b (3) to consider the propriety of investigating the allegations; then, if they are convinced, a motion must be moved to investigate the allegations within 7 days; section 188 (2) b (4); a panel has to be set up by the Chief Judge through the powers of section 188 (2) b (5). Finally, the legislature has to consider the report of the panel and if they were satisfied that the allegations were proven, two-thirds of the members shall vote to effect the removal.

Another factor that diminishes the capacity of the legislature was the turnover rate that weakened the institutional capacity of the legislature in Nigeria. The legislature is a highly technical arm of the government. Individual competence, capacity and acumen of each member was often called to question in the hallowed chamber where each member sits alone during parliamentary sessions before the glaring eyes of the public to debate bills, sponsor or contribute to motions and marshal arguments to convince or sway his colleagues in order to attract benefits to his constituency or counteract negative arguments that were against the interest of his constituency. This must, however, be done with acceptable decorum and appropriate parliamentary language, that were not laced with vulgar or derogatory remarks or behaviour. Notwithstanding any background assistance, the legislator must be able to speak off the cuff and convince his colleagues on the merits of his contribution to the issue in deliberation. In many parliaments at the global arena, Nigeria inclusive at both the national and sub-national level. For example, it is an anathema to read prepared addresses in the chambers without the prior consent of the presiding officer (personal communication). It suffices therefore to mention, that the professional and educational sagacity and experience of the legislators were strong factors necessary and must be employed to express and exercise the powers and functions of the legislature (Norris, 2006; Yaqub, 2004). The poor understanding and capacity of the new members in particular, who have to be taken through the basic rudiments and technicality of legislation is a draw back to the legislature. Moreover, to the Speaker who has an onerous responsibility to uphold the sanctity of the legislature on the one hand and is also, often expected, by the Governor, to keep faith and show loyalty to him by granting all his

requests and approving his nominees within the shortest possible time, on the other hand, it is a delicate balance that demanded the required him to be at his wits end (Personal communication).

The capacity of the Governor to exploit the huge resources and bureaucracy at his disposal to manipulate the legislature and turn them against themselves to remove their principal officers is a fact at the sub-national level. He demands blind loyalty and always wants his proposals to the legislature to scale through without, if possible, the slightest amendment and within the shortest time. Further, the massive control of the party machinery by the Governor enables him to control the legislature. This is due to the fact that in reality he funds the party and plays a big role to fix the candidates for elective and appointive offices (Personal communication). Through the control of the machinery of the party structure, patronage, veto or the threat of it, deliberate refusal to implement legislative resolutions, the Governor exercises influence over the legislature. This is against the backdrop that the House does hardly muster the two-thirds majority to insist upon and oust the decision of the obstinate President or Governor. He also exercises greater leverage on power over the legislature with his ability to bargain and even compromise the legislature to negotiate his way. The legislature is therefore further kept as the junior partner in the executive-legislature relationships under this machinery (Tsekpo and Hudson, 2009; Joseph, 1991; Dudley, 1982; Nwabueze, 1982). Further, Posner and Park 2007 contended that absenteeism, low level of participation along with bench-warming and combustious sessions were also distractions that weaken the legislature. In addition, lateness and acts of violence were factors that also consign the legislature into sublimity (Nijzink, Shaheen and Azevedo, 2006).

Unlike the executive which is wholesomely under the superintendence of the President or Governor in a full presidential system who can hire and fire his Ministers, Commissioners and other appointees, the Speaker of the legislature does not enjoy that power. He is merely the *primus inter pares*. First, the members can come from different political party platforms with different manifesto and programmers. More importantly, the members are all on equal status, election as Speaker or principal officer is more or less an appointment that can swing at the discretion of the temperament and discretion of the members from time to time (Muhammad, 2013). At best the Speaker can be referred to as the team leader. When these factors are added to lower qualification and inexperience of members and in view of the fact that the legislature is the least developed arm of government in Nigeria, the cohesion in the House becomes fragile because the Speaker has to do a lot of balancing and persuasion more than issuing directives and instructions as the case is between the Governor and his appointees (Personal communication).

Aside from poor staffing, the legislature does suffer from an incredible lack of facilities (Oni, 2013). Closely linked to the above factors is the intrusion of the military into governance. After a successful coup d'état, their first pronouncement is to suspend the constitution and dissolve the legislature (Momoh and Adejumobi, 2002; Onuoha, 2002). The legislature epitomises the rule of the people. The military assumes its powers and functions by force of arms and coercion to roll out decrees. But conversely, while the legislative arm of government goes and comes, the executive arm of government continued to exist at all times whether under a junta or a full civil administration. During a military regime, the coup makers appoint their coup d'état collaborators as ministers at the national level and include a sprinkle of their civilian cronies as in the case of Nigeria (Alabi, 2002).

Beyond denying the legislature the opportunity to make mistakes, learn and master the arts of governance, the military regimes inflicted other severe damages on the legislature. First, they build a sense of inferiority in the parliament relative to the executive. Secondly, while the legislature will be clothed as the first arm of government, the membership of Constitution Drafting Committee (CDC) and Constituent Assembly (CA), were usually carefully chosen to give preeminence to the executive arm (Olanmi, 2006). The quasi-legislative powers bestowed on the executive with which it can circumvent or stunt the capacity of the legislature to perform their duties and responsibilities is debilitating to the law-making institution. Thirdly, when a departing military junta initiates transition programmes to civilian rule, they build the psyche of authoritarianism among their cronies and political actors whom they catapult into leadership and handover government to, when they leave power (Personal communication). All of these actions surreptitiously clip the wing of legislature to act as an oversight institution over the executive arm of government. Though in practical terms the executive and the legislature were equal in a full presidential system wherein the ethos of separation of powers should reign but in practical terms, the executive arm enjoys higher leverage, finance, access to information and opportunities because of the retinue of ministries, departments, parastatals and agencies under it both at the national and sub-national levels. The Ministers exert power and influence in their policy directions, appointment of board members and staff including tremendous employment opportunities and patronage (Onyebuchi, 2017; Saliu and Muhammad, 2014).

In the 1979, 1989, and the current 1999 presidential constitutions of Nigeria, only political parties can sponsor a candidate for elections. Independent candidacy is not allowed. However, the absence of well-structured political parties with foundational philosophies, coupled with the huge presence of mentors and major stakeholders in Nigeria combine to weaken the legislature because, when the chips were down, party candidates owed allegiance to the political parties and their sponsors, instead of their constituents (Personal communication). In the constitutional amendment in 2010, Adamawa and Katsina state legislatures were among those that voted against being granted

financial autonomy. The latter (Katsina) presented a worse scenario because they voted 'ay' (yes) in the morning and 'nay' (no) at an "extra-ordinary session" in the evening after Governor Shehu Shema expressed displeasure at their initial position. More importantly cross-carpeting at the slightest disagreement is a concomitant consequence of this situation because ethnic consideration, primordial loyalty and structural instability have bedeviled party politics in Nigeria. The legislature is, therefore, weaker for these reasons (Awotokun, 1998; Mukherjee, 2003; Akinsanya and Davies, 2008). In many developed democracies, moving from one party to another at the slightest disagreement is an anathema to the ethos of political party existence and development.

There are many classifications of the legislature according to scholars. Arter and Wiberg (2005) classified parliaments into two categories. The first is a policy-influencing legislature, which according to them is the legislature mostly common in Europe that has the capacity to make fundamental inputs, through legislation, into a policy of the executive arm of government or make things happen in governance through their initiative. Their second classification is a policy legitimizing parliament. This parliament sits to, by and large, ratify decisions that were taken by the political parties or the executive arm of government. They exist mostly in closed societies like North Korea and China where the legislature and the executive were like Siamese twins. However, it is not limited to these countries due to the authoritative influence of the executive and the political parties working together. It does occur in many societies especially in developing countries including Nigeria, especially at the sub-national level.

The structure of the legislature in any country varies in size, shape, autonomy, procedure, form, functions and procedures. According to the Inter Parliamentary Union (IPU) there are 193 countries in the world that practice democracy, 79 are bicameral and 114 are unicameral. The decision to adopt a two-chamber or single chamber legislature depends on several factors. This includes the political history, diversity or homogeneity of its ethnic base, party politics, types of government in place, and political arrangements among others. Population is not strictly a strong determinant of bicameralism or unicameralism; it is a function of history and ethnic diversity. There is no fixation to whichever structure may be adopted at any point in time. China which has a huge population of 1.408 billion people in 2021, has a unicameral legislature, whereas Burundi with a population of 10.329,400 million also in 2021, has a bicameral legislature. Some countries like Nigeria, Germany, and Russia have maintained bicameral legislature, while Denmark, Sweden and Peru are examples of countries that moved from bicameralism to unicameralism in 1953, 1970 and 1993 respectively. Tunisia in 2005 became a bicameral legislature from

unicameralism, however, Turkey oscillated from unicameralism in 1921, and it went bicameral in 1961 and moved to single chamber again in 1982.

The bicameral legislature that was adopted in Nigeria, just as it exists in the UK, Germany, India, the USA, Russia, France, Lesotho, Yemen, Morocco, Algeria, Burkina Faso, Antigua and Barbuda among others, was often associated with countries that have pronounced diversity with a pronounced majority and multiple minority groups. Usually, there will be an Upper and a Lower house. In the UK parliament, the Upper house is the *House of Lords*, while the Lower house is the *House of Commons*. In Nigeria, it is the *Senate* and the *House of Representatives*. In India it is called *Rajya Sabha and Lok Sabha*. In France, it is the *Senate and Nationale Assemblée*. The first legal measure in determining the structure of the parliament is the constitution where specific provisions for the existence, number of chamber(s), membership and also their tenure would be inserted. In the 1999 constitution of Nigeria as amended, this is provided for in chapter 5 part 1, section 4 for the National Assembly. Similarly, the constitution also provides in chapter 5, part 1 (A) section 90 for the sub-national legislature in the 36 states of the federation (Olanmi, 2006).

The rationale for the adoption of bicameralism is to engender balance in the representation of the nation because the component parts are usually not equal in size and population. Firstly, it prevents the hasty passage of bills. On the other hand, the merits of a unicameral legislature that subsist in Hungary, Portugal and Costa Rica included that it is less expensive because of fewer members. Secondly, it is faster to consider bills. National Democratic Institute for International Affairs (2019). There is less conflict in a unicameral state and greater accountability since they cannot pass the blame of poor legislation to a second chamber. Also, in a one-chamber legislature, it is less rancorous and easier to manage crises (Personal communication).

## Findings

The start-off point in the exercise of power domination in Executive-legislature relations at the sub-national level in Nigeria was in the control of party structure and nomination of candidates for elections into the legislature. The start-up process for elections into the state Houses of Assembly which is the sub-national legislature in this country is the nomination level. It is contained in chapter 5, part 2(c) section 106 (1) of the 1999 constitution of Nigeria. It provides that nobody can be elected into the state legislature unless "he is a member of a political party and is sponsored by that party". This constitutional provision marks the cardinal string that binds the House of Assembly member to the party, the political stakeholders and in particular, the Governor. It is the lens upon which his conduct in the legislature and his contribution to debate should be viewed. The effect of this provision is more telling on the legislature and had been used to curtail their vibrancy and keep them subservient to the executive (Na'Abba, 2000; Alabi, 2000; Mogaji, 2017). They contended that the current practice in Nigeria, which makes the President/Governor leader of the party,

primarily, gave him an edge over the legislature and enabled him to participate vigorously in the nomination process of candidates to the legislature. According to a former member of Osun State House of Assembly in an interview conducted in Osogbo in February, 2020:

ab initio the Governors often participate in choosing a large number of, or virtually all the legislators. And they will defer to him because it is something you can describe as a reciprocal gesture. Under this scenario the legislature cannot be independent to truly perform the fundamental functions of their office. At the sub-national level in Nigeria, the legislators were more or less chosen through the instrumentality of the powerful and 'big guns' that we call godfathers. Although candidates to the state House of Assembly go through the electoral process at the party level but it was just to fulfill righteousness. The Governor was the dominant force and it was therefore not difficult to confine the legislature into the position of second fiddle in the course of their relationship.

It is critical to note that mingling/the taking over of political parties by Governors at sub-national level was a clear negation of the institutional theory as espoused by Peters (1999) who propounded that each institution of democracy should be distinct and enabled to play its role distinctively. The Governor is the head of the executive arm of government and the political party is expected to be clinically piloted by the chairman of the party in truth and in fact if we are to derive the dividends of democracy that was envisaged. Notwithstanding, however, he looked at this development in a positive light. Within this context he believed that it was helpful to build cordial executive-legislature relations which can accelerate growth and development. On the pattern of executive-legislative relations at the sub-national level in Kwara and Osun states in Nigeria between 2007-2019, all the respondents interviewed for the study confirmed that essentially, there were cordial relationships between them. One of the gains in Osun state was the introduction of Community Development Fund/Community Development Project (CDF/CDP) or otherwise called Constituency Project in 2007 when Prince Olagunsoye Oyinlola was the Governor. This CDF/CDP initiative continued to improve the executive-legislative relations as the two arms engaged in beneficial working relationship. It was hailed as a success story by the citizens because many projects that had relevance to them were accomplished and the legislators were regarded as performing. It was considered a win-win situation approach.

In Kwara state during the era of Governor Bukola Saraki the government constructed Mandate 1, 2, 3 housing estates in Ilorin; one in Kaiama, Offa, Omu-Aran; the Aviation College was established and new water works in more than 20 towns across all the 16 local governments of the state. Similarly, during the era of Governor Abdulfatah Ahmed when the economy of Nigeria went into recession and it became exceedingly difficult to pay workers' salaries and emoluments from the monthly federal allocation, it was the cordial relationship between the executive and legislative arms of government that engendered the passage of the internal generation bill that metamorphosed into the creation of the Kwara State Internal Revenue Service (KWIRS). According to a former member of Kwara State House of Assembly in an interview conducted in Ilorin in January (2020):

The cordial relationship between us and the executive was very fruitful in many areas. This includes education, health, road construction, reduction in the rate of crime and so on. But as far as I was concerned the flagship of executive-legislative relationship within this period was the promulgation of the Kwara State Internal Revenue Service (KWIRS) Act. We were able to increase IGR without putting undue pressure on the citizens. The emphasis was on collection, not increment of revenue. Infact the Chairman of the Federal Internal Revenue Service (FIRS) Mr. Tunde Fowler advised state governments across the country to come and learn from us. This was when they came to hold the meeting of the Joint Tax Board (JTB) in Ilorin. We were proud to play host to many Speakers, House Committees on Finance and several Commissioners who came to study the Law on KWIRS. We moved from the last 10 to the highest 10 IGR states in Nigeria. The government revenue was at the precipice when Nigeria fell into recession and Kwara State received as low as #800m FAAC allocation in some months. If not for this law that was borne out of the cordial executive-legislative relationships, there would have been crises and disharmony in the entire state. There was just no way that we could have paid state government workers' salaries. But thank God, we paid and we did not retrench anybody.

Also corroborating this submission, a former member of Kwara State executive council in an interview conducted in Ilorin in January 2020, remarked that many accomplishments were recorded through cordial executive-legislative relationships.

As a matter of fact, the Kwara State Public Private Partnership Bureau Law 2015 was so novel that I was commissioned to speak to it and teach my colleague Commissioners of Budget and Planning of all the states during one of the national sessions under the Federal Ministry of Planning and Economic Development. There was a section of the law which provided that, from the pool of the IGR every month, we must set aside #500m, to develop infrastructure in the state. The significance of this provision was that as soon as we awarded a contract, the contractors were able to access funding windows from banks and other financial institutions if and when they desired it. And the financial institutions readily obliged because it was the law of the parliament. It was a definitive guarantee that of the state government, that we knew we were solvent on the basis of this law and had the capacity to pay the contractors. The banks were assured that their loanees shall always be able to pay back the loans. The law made it easier for us to record several achievements and complete laudable projects such as the redesign and renovation of the General Hospital in Ilorin.

This view confirms the IGR data of Kwara state

### **Kwara State Internally Generated Revenue (IGR) 2008-2019**

<b>YEAR</b>	<b>INTERNALLY GENERATED REVENUE (IGR)</b>
2008	16,557,137,278.83
2009	6,204,249,755.71
2010	7,295,348,963.22
2011	8,816,657,944.50
2012	11,317,269,584.36
2013	13,838,085,972.51
2014	12,460,517,954.55
2015	7,178,922,182.76
2016	17,253,829,559.51
2017	19,637,873,512.22
2018	23,046,944,295.60
2019	30,646,731,408.92

**Source:** National Bureau of Statistics (NBS) website <https://www.nigerianstat.gov.ng>; Joint Tax Board (JTB) website <https://jtb.gov.ng>; Federal Inland Revenue Service (FIRS); website [www.firs.gov.ng](http://www.firs.gov.ng) 2020 Kwara Internal Revenue Service (KWIRS)

To also underscore the cordial executive-legislative relationships in Osun state, a senior revenue officer Osun State Internal Revenue Service (OIRS) during an interview conducted in Osogbo in March 2020, stated that cordial executive-legislative relationships were instrumental to the approval given by the State House of Assembly. During a Focused Group Discussion (FGD) session with respondents who served in the state executive council, the legislature, prominent stakeholders and non-partisan citizens in Osun state he stressed that:

The passage of the bill that authorised the establishment of the Osun State Internal Revenue (OIRS) by the Osun State House of Assembly was an assurance that there was no conflict between the executive and the legislature. I was aware that some people mounted opposition to it. And believe me it was both from the inside of the government and outside of it. There was a category of antagonists who were not comfortable that what they used to do in the old system that was about to change. OIRS is autonomous and it came in place of the revenue board. Those people were just resistant to change".

Also a member who served in the Osun state legislature, in an interview conducted in Osogbo in March 2020, stated that:

In fact, if it were not for OIRS the much we were able to do, we could not have done it. Beyond that, it would have been impossible to maintain some standard infrastructure in the state. These included and were not limited to maintaining roads, running hospitals, dispensaries and health centres particularly in the rural areas where majority of the people resided. The waterworks were functioning to provide drinkable water. As a government, we did not want to abandon governance because that would have meant abdication of the responsibility. Honestly, without OIRS we could have almost collapsed as a government. So I am proud of their achievements because of the collective efforts to get the bill passed by the two arms of government.

This view confirms the Osun State IGR between 2008-2019.

### Osun State Internally Generated Revenue (IGR) 2008-2019

YEAR	INTERNALLY GENERATED REVENUE (IGR)
2008	3,376,735,645.43
2009	3,735,812,456.63
2010	3,376,735,645.43
2011	7,398,572,036.48
2012	5,020,250,633.94
2013	N.A
2014	8,513,274,186.67
2015	8,072,966,446.00
2016	8,884,756,040.35
2017	11,731,026,444.38
2018	10,381,663,677.98
2019	17,922,394,523.43.
TOTAL	70,491,793,213.29

**Sources:** National Bureau of Statistics (NBS) website <https://www.nigerianstat.gov.ng>; Joint Tax Board (JTB), website <https://jtb.gov.ng>; Federal Inland Revenue Service (FIRS) website [www.firs.gov.ng](http://www.firs.gov.ng) 2020; Osun Internal Revenue Service (OIRS)

The key respondent from the Kwara state legislature, in an interview conducted in Ilorin in December 2019 revealed that the cordial executive-legislature relationships enabled government to begin and conclude the budget process of 2017 and 2018 in the previous financial years in line with the intendment of the 1999 constitution. This, according to him, occurred because of prior consultation and constant communication between the Governor and the Speaker. In setting the template to smoothen the 2017 budget process in 2016, a committee was set up comprising of officials of the two arms of government. He revealed that the team from the executive consisted of the Commissioner for Planning and Economic Development, the state Director of Planning and Budget and the SSA Legislative Matters. Further, he disclosed that the team had an extended mandate of the state Governor to involve and co-opt any member of the executive arm of government whose schedule was relevant to accomplish the assignment at hand.

On the other hand, according to him, the team of the legislative arm of government was led by the Speaker, Chairman Committee of Finance and Appropriation; Director of Planning in State House of Assembly and the Clerk of the legislature. According to him;

In line with the mandate that Governor Alhaji Abdulfatah Ahmed gave us to co-opt any member of the executive arm of government. We invited the Commissioner for Works and Transport and the Commissioner of Finance to

join the executive side of the team. We realised that the most demand of the members of the state House of Assembly were in the provision of roads and it needed money to execute. And these two officials were in the right position to get the demands sorted out in a give and take manner and offer advise, on the way forward.

Also, he reiterated that the fact that Governor Abdulfatah Ahmed had been Commissioner of Finance for seven years between 2003-2010 before he was moved to be the Commissioner of Planning and Economic Development for one year between 2010-2011 prepared him adequately for budgetary exercises. "And having been the chief executive since 2011, that enabled us in government, to scientifically determine and appreciate that the infrastructural deficit of Kwara state as at 2016 was #250 billion". To this extent, he believed that the special committee of the two arms of government produced the desired result because the contents of the 2017 Appropriation bill were discussed at that closed sessions well ahead of the presentation by the Governor. And the projects desired by members were integrated within the limits of available resources. And when we arrived at a junction that we couldn't cross, we went to meet Governor Abdulfatah Ahmed at 7pm at the Government House to illuminate the path", he further stressed. Ultimately in his words:

The Governor laid the appropriation Bill for 2018 at the floor of the House on Wednesday, November 22, 2017, in line with chapter 5, part 2D, section 121 sub-section (1) of the 1999 constitution. The House of Assembly considered it expeditiously in line with chapter 5, part 2D, section 120 sub-section (1) of the 1999 constitution because they had already known everything that was to be presented since they were carried along in the preparation. The Governor gave the assent on Friday, December 29, 2017. This was a feat that was recorded in the state for the first time since 1999. To me, it showed that democracy was improving. In that year, only five states were able to finish the budget process before the end of the next fiscal year, in line with the constitution. These were Kwara, Anambra, Kaduna, Ogun, and Lagos states. We (Kwara) also repeated the same performance in 2018 for the 2019 fiscal year. The budget of the next fiscal year was presented on Thursday, November 22, 2018, and after the due diligence of the sub-national legislature, the Governor assented to it on Saturday, December 22, 2018.

The positive effect of these smooth executive-legislative relationships according to him was that:

it enabled us (Kwara state) to benefit from a \$750m grant from the World Bank that was promised and given as an incentive to any government at the sub-national level in Nigeria that fulfilled budget etiquettes which includes timelines, transparency, and good implementation. This new government in Kwara state under Governor Abdulrahman AbdulRazaq is receiving huge financial support, because we laid the foundation and did all groundwork for them.

From the assessment of this paper, the motive of the Bretton Woods institute to offer this grant was to ensure full obedience to the operationalization of the fiscal year and fulfill the budget cycle of January to December every year. It desired the sanctity of full, proper, and transparent implementation of the budget in order to accelerate growth and development, improve governance and strengthen democracy in a developing economy like Nigeria. Findings revealed that in January 2021, the Kwara State Government received \$16.9m worth of World Bank-supported State Fiscal Transparency, Accountability and Sustainability (SFTAS) programme for the initiative which began in 2017. It was disclosed by Mrs. Saad Hamdalat, who is the Press Secretary, Ministry of Finance and Planning in a statement circulated on January 5, 2021. It was titled "SFTAS: Kwara Earns Reward for fiscal transparency: set to receive \$16.9m" (All Africa News and January 5, 2021, Orient Magazine). According to the press statement, this is in addition to the \$5m that was received in 2019. The latest fund was released after the state was adjudged to have satisfied the Annual Performance Assessment (APA) final report submitted by the Independent Verification Agents (IVA) that had earlier visited the state. They looked at the IGR, elimination of ghost workers on the payroll of workers, adherence to (BVN) and biometric systems, transparency in the management of the debt payment schedule. The team also examined the Disbursement Linked Initiatives (DLIs). It included increased citizen's engagement in the budget process, procurement and disbursement process for implementation of COVID-19 requirements, the participation of SMEs in the public procurement process, and the recovery phase of the deadly virus. It was also concerned with the approval and publication of amended COVID-19 protocol implementation and finally, tax compliance for individual taxpayers and businesses in the state. All these were geared towards good governance to enshrine the percolation of the dividends of democracy.

These were referred to as DLIs which also included improved financial reporting and budget reliability.

On the other hand, in Osun state, a former member of the state executive council also stated that: One area that the cordial executive-legislative relationships was exhibited in Osun state was on the appropriations. There was strict adherence to timelines because it was important to achieve development and growth which is the fundamental/original intention of budgeting. Also in Osun state, a key respondent recalled that there were cordial executive-legislative relations between 2015-2019. According to him:

It resulted in several achievements and consolidated what was on the ground. The UNDP, Oxford Poverty and Human Development Institute as well as the respected Financial Derivatives Company stated that by 2017 there was a 70% reduction in poverty rate in the state away from 2010. The IGR increased from #3.4 billion in 2010 to #14 billion in 2018. The success rate of students in WASC with those that had 5 credits including English and Mathematics improved from 15.68% in 2010 to 44. 59% in 2017. However, I admit that these achievements were not fully appreciated because the government could not pay the full salary of workers.

Also a key respondent from the executive arm of government in Osun State stated that:

The relationship that we had with the legislature is cordial and what led us into this was that we did not take any of the three arms of government for granted. Beyond that what we used to do was periodic briefings and all the likes, we always go the extra mile such that even before policies are designed, we engage the House. For example, on the Medium Term Expenditure Framework (MTEF), we let them know how we arrived at the total resource envelope and total resources of the state. The beautiful thing is that the legislature knows the methodology adopted for the resources and the various development and happenings in the world. For example, what is happening between China and America will affect us in Nigeria and Osun state whether we like it or not. These are industrial countries that buy the oil and whose policies and actions affect the world trade. Similarly, the policies in all those countries that also buy the oil will have impact on the country and the state. Oil is the major revenue

earner that boosts the monthly FAAC which feeds the three tiers of government in Nigeria. Therefore, we have to factor that into the deliberations and calculations here in Osun state. We (executive) would have briefed them (legislature) on various things that are likely to impact any situation. This includes the benchmark for inflation, exchange rate, the price of oil, the expected growth rate of the economy among others.

He went further to say that:

Even at the national level some of the decisions that the federal government took on macro and micro economic and financial matters, affect and will continue to affect us in Osun state. And on the basis of that they (legislature) know that when agencies of government go to lobby them to increase their votes after the budget presentation of the Governor, they ask them where they thought the money will come from. They will tell such agencies to convince them that they have the means to fund the project they brought forward. When the executive implements a project and the legislature feels they should be briefed about it, they invite the Commissioner or whomsoever they deem fit, in any of the MDAs. And such invitees will go with facts and figures as it were. Therefore, the good relationship comes easy because the legislature would have been aware of all necessary information before we, in the executive took the matter to them, or anybody else including MDAs and outsiders called their attention to it. The normal fiscal year was a period of 12 months and it is crucial to adhere to it so as to give value to the electorates in who waited in the sun and rain to vote during elections in order to enjoy the dividends of democracy.

### **Recommendation and Conclusion**

In the overall assessment of the researcher, within the general spectrum, there were cordial executive-legislative relationships between the two arms of government in Kwara and Osun states within the period of this paper 2007-2019. Although there were also moments of misunderstanding but they were

contained. However, what was apparent was that there was an imbalance of power between the executive and legislative arms of government in the two states during the scope of this study. This was a critical lacuna and a negation of the principle of separation of powers and checks and balances. The Governors of the two states and to a large extent, the officials of the executive arm of government exercised influence over the legislature.

The factors that led to this were many. The primary reasons that conduced to the imbalance in the equilibrium of power that tilted in favour of the executive arm of government were lack of specificity in some provisions of the 1999 constitution that were being exploited in favour of the of the executive or at the detriment of the state legislature. Independent candidacy should be enshrined in the constitution. This opportunity of representation, when it is fulfilled will make the office holder(s) to be free and independent to properly and in truth, represent their constituents. The primary instrument of power dominion with which the executive exercised power over the legislature actually kick-start from the nomination process. Legislators who got into positions by the goodwill of stakeholders, power brokers and party leaders must behave himself. He cannot be seen or heard to hold a different opinion from the Governor, who in any event is the de facto head of the ruling party. Similarly, the electoral system and representation in the legislative chambers should be strengthened through proportional representation rather than first past the post that is being used. With this exclusivity of and one party domination, it would dilute the likelihood of opposition parties not being represented in the legislature. And tension would be lesser.

The constitution should specify the circumstances under which the leadership of the House can be removed, just like it did in the case of the Governor which is not only explicit in chapter 5 sections 188 and 189, sub-sections 1, 2, 3, 4 (a & b) and 5, but it is backgrounded with timeline. Similarly, it is crucial to enunciate the procedure for the removal of the Rt. Hon. Speaker and the other principal officers. This would make the offices more secured and more dignified unlike what obtain presently when their stature, status, dignity and tenure are at the whims and caprices of the Governor. Presently and reality the position of the Speaker, is dependent on how much and how well he can "be in the good books of the Governor".

## References

- Abdulahi, Y. A. (2004). Principles and Strategies for Legislature/Executive Partnership for Stable Democratic Development and Good Governance', in Mato, K. (ed.). *Legislating for Democracy Proceedings of the Retreat of the House of Representatives*.
- Akinsanya, A. A. & Davies, A. E. (2002). Executive-Legislative Relations, in Akinsanya, A. A. & Idang, J. G. (eds.). *Nigerian Government and Politics 1979-1983*.

- Alabi, M. O. (2009). The Legislature in Nigeria: Origin, powers and Challenges, in Saliu, H. A., Jimoh, I. H., Yusuf, N. & Ojo, E. O. (eds.). *Perspectives on nation building and Development in Nigeria*. Concept Publications.
- Arter, D. & Wiberg, M. (2005). Evaluating, comparing and classifying Legislature. ECPR Workshop in Grenoble.
- Awotokun, K. (1988). "Legislative-Executive Relations: Case Studies", in Ayeni Victor and Kayode Soremekun (eds.). *Nigeria's Second Republic*. Apapa: Daily Trust Publications.
- Awotokun, K. (2000). *The Development of Legislative and Executive Relations in Nigeria, 1861-1979*. *Indian Socio-Legal Journal*. XXVL(1 and 2).
- Bakare, A. R. (2014). Legislative (in)effectiveness in developing democracies. The Nigeria experience, in E. O. Ojo & J. S. Omotola (eds.). *The Legislature and Governance in Nigeria*. Lanham, Maryland: University Press of America.
- Dudley, B. J. (1982). *An Introduction to Nigerian government and politics*. Nigeria: Macmillan.
- Federal Inland Revenue Service (FIRS) website [www.firs.gov.ng](http://www.firs.gov.ng) (2020). "Fresh crisis rocks Kogi Assembly, Speaker impeached by 5 out of 25 members. (2016, February 16) The Nigerian lawyer.
- Ibrahim, F. O. (2014). An appraisal of KSHA, 1999-2011, in E. O. Ojo & J. S. Omotola (eds.). *The legislature and Governance in Nigeria: A festschrift for emeritus Professor John A. A. Ayoade*. Vol. 1. Ibadan: John Archers (Publishers) Limited.
- Joint Tax Board (JTB) website <https://jtb.gov.ng>.
- Joseph, R. (1991). *Democracy and Prebendal Politics in Nigeria*. Ibadan: Spectrum Books.
- Kwara Internal Revenue Service (KWIRS).
- Mogaji, I. S. (2017). Functions, Challenges and Prospects of Legislators and the Legislature. Paper Presented at the Legislative Retreat organized by the Post Graduate Students Legislative Council of Unilorin. Tuesday, July, 1.
- Momoh, A. & Adejumobi, S. (2002). *The Nigerian Military and the Crisis of Democratic Transition: A Study in the Monopoly of Power*. Civil Liberties Organization.
- Muhammad, A. A. (2013). *Assessment of the views of legislature on Executive-Legislative Relations in Nigeria (1999-2007)*.
- Mukherjee, B. (2003). Political parties and the Size of Government in Multiparty Legislatures: Examining Cross-Country and panel Data Evidence. *Comparative Political Studies*, 36(6).
- Na'Abba, G. U. (2000). "Realising a workable relationship between the Executive and Legislative arms of Government" Text of a Speech delivered

- at the Conference of Speakers of State Houses of Assembly. Calabar, Nigeria. November 24.
- National Bureau of Statistics (NBS) website <https://www.nigerianstat.gov.ng>.
- Nijzink, L., Mozaffer, S. & Azevedo (2006). Parliaments and the Enhancement of democracy on the African continent: An Analysis of Institutional Capacity and Public Perceptions. *The Journal of Legislative Studies*, 12(3-4).
- Norris, P. (2008). Presidential and parliamentary executives. Driving democracy. Chapter 6. Retrieved from <https://sites.hks.harvard.edu> on July 27, 2019 at 3:33pm.
- Nwabueze, B. O. (1968). *The Presidential Constitution of Nigeria*, London, Hurst, 1982. Charlesworth, J. C. *Contemporary Political Analysis*. New York: The Free Press.
- Olakanmi, O. (2006). *The Nigerian Constitution. 1963, 1979, 1999*. Abuja: Panaf Press.
- Oni, S. O. (2011). Executive-Legislative Relations in the presidential System. A Study of Lagos and Ogun State in Nigeria 1999-2011.
- Onigbinde, A. (2000). Monitoring the implementation of budget by the Legislature. Paper presented at the Workshop on Appropriate Handling of Budget by the Legislature for Members of Osun State House of Assembly at the Miccom Golf Resort, Ada, Osun State, Nigeria. January.
- Onuoha, B. (2002). General Abdulsalami Abubakar and the short transition, in Onuoha, B. & Fadakinte, M. M. (eds.). *Transition politics in Nigeria: 1970-1999*. London: Malthouse Press Limited.
- Onyebuchi, U. R. (2013). Executive-Legislative Relations in parliamentary and presidential government. *Global Journal of Arts Social Sciences*, Sep.
- Posner, O. & Park, C-K. (2007). Role of parliament in the budget process: Recent trends and innovations. *OECD Journal on Budgeting*. 7(X. 3).
- Saliu, H. A. & Muhammad, A. A. (2014). Exploring the Parliament, in *Nigerian Journal of Legislative Affairs*. 3(1 and 2).
- Tsekpo, A. and Hudson, A. (2009). Parliamentary strengthening and the Paris principles; Cambodia case study Overseas Development Institute. January.
- Yaqub, N. (2004). The Military Democratic Transition and the 1999 Elections, in Olurode, L. and Anifowose, R. (Eds.). *Issues in Nigeria's 1999 Elections*. Lagos: John West.