

# 1 A Governing Party in Disarray: Executive-Legislative Relations 2 under APC Government

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## 7 **Abstract**

8 The victory of APC at the 2015 general elections was the first time since 1999 any other  
9 political parties would have control of the federal government. What is more, the victory was  
10 total, controlling the executive with the presidency as its power base and having the majority  
11 in both chambers of the national assembly- the senate and house of representative all at the  
12 same time. Not long after the inauguration of the APC government, there appears a crack  
13 that revealed the party lacks cohesion and after all not all members are in the same page with  
14 the agenda and programmes of the party and President Muhammadu Buhari. Given the  
15 process through which the APC emerged, not many believed the party would pull through to  
16 victory in 2015; hence the lack of policy cohesion between the executive and legislature is not  
17 surprising. The internal intrigues, differences and rancour that characterized the emergence of  
18 principal leadership of the Senate and House of Representatives planted the first seed of  
19 confrontation between the party, executive and the legislature.

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21 **Index terms**— political party, presidentialism, national assembly, executive.

## 22 **1 Introduction**

23 The 2015 Nigeria general elections threw up an unexpected outcome, the triumph of All Progressive Congress at  
24 the federal and the control of substantial number of sub-national states. A new political party formed majorly  
25 by political alignment among regional parties in 2013 wrestled power from the then ruling Peoples' Democratic  
26 Party which had governed the country for 16 years since the return to democratic government. The victory of  
27 APC at the 2015 general elections was the first time since 1999 any other political parties would have control  
28 of the federal government. What is more, the victory was total, control of the executive with the presidency  
29 as its power base and having the majority in both chambers of the national assembly-the senate and house of  
30 representative all at the same time.

31 The All Progressive Congress hinged its campaign on three major themes-the fight against corruption, defeat  
32 of boko haram and economic diversification.

33 The party presented General Muhammadu Buhari (as he then was) as the presidential candidate, his victory  
34 at the 2015 presidential poll, after three previous failed attempts- ??003, ??007 and 2011, was possible by the  
35 campaign strategy adopted, his personal integrity, anti-corruption stand as a former military ruler in 1983 to  
36 1985 and the new political alignment among sectional political parties. The landslide victory of the party was  
37 attributed to the personal approval, goodwill and overwhelming support Muhammadu Buhari enjoyed among  
38 majority of Nigerians.

39 With the APC having majority in both chambers of National Assembly, many believe it should accelerate  
40 the implementation of the party programmes on the manifesto. Not long after the inauguration of the APC  
41 government, there appears a crack that revealed the party lacks cohesion and after all not all members are in the  
42 same page with the agenda and programmes of the party and President Muhammadu Buhari. Given the process

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43 through which the APC emerged, not many believed the party would pull through to victory in 2015; hence the  
44 lack of policy cohesion between the executive and legislature is not surprising.

45 The internal intrigues, differences and rancour that characterized the emergence of principal leadership of the  
46 Senate and House of Representatives planted the first seed of confrontation between the party, executive and  
47 the legislature. Even though, the president appeared to be indifferent and was ready to work with whoever  
48 emerges, leaders in the party believed the presidency should have influenced the process leading to the emergence  
49 of senate president, speaker of representative and other principal officers of the National Assembly for cordial  
50 executive-legislative relations.

51 The emergence of Senator Bukola Saraki and Yakubu Dogara as the senate president and speaker house of  
52 representative respectively defeated the party backed candidates; Ahmed Lawan and Femi Gbajabimila from  
53 Lagos State. The emergence of Ike Ekeremadu, PDP Enugu state as Deputy Senate President in APC majority  
54 senate was a major blow to the party and laid the foundation for a hostile and confrontational relationship  
55 between the presidency and the National Assembly.

## 56 2 II.

### 57 3 Political Party and Executive-Legislative Relations in Presi- 58 dental

#### 59 System: A Theoretical Insight

60 Political party is one of the most important, complex and critical institutions of democracy. Political parties,  
61 as "makers" of democracy, have been so romanticized that scholars have claimed that neither democracy  
62 nor democratic societies are thinkable without them ??Omotola, 2009:612). {T}heir functions are not  
63 limited to government related, such as making government accountable and exercising control over government  
64 administration; and electorate related functions such as political representation, expression of people's demand  
65 through interest articulation and aggregation as well as structuring of electoral choices; but also expand to  
66 linkage related functions, playing an intermediary and mediatory role between the government and the electorate  
67 (Omotola, 2009 ??612, Moore, 2002). The role of political party in executivelegislative relations has been less  
68 investigated.

69 It is important to note that at the very heart of the success or otherwise of political party is the issue of  
70 Political ideology. It has been so central to the activities of political parties across time and space. Morse  
71 (1896:76) has argued that ideology, being the durable convictions held in common by party members in respect  
72 to the most desirable form, institutions, spirit and course of action of the state, determines the natural attitude  
73 of a party towards every public question. However, as (van de Walle, 2007:62) notes, ideological differences  
74 have been minor across parties in African, debates about specific issues have been virtually nonexistence. Since  
75 political parties lack ideological base for political recruitment, hence, personal attachment to a single party is very  
76 rear. This absence of ideological or programmatic differences among parties in Africa means there are not well  
77 institutionalized that could propel national unity, democratic and economic development and nation building.  
78 As ??Salu and Omotola, 2006:2) argue, the level of political institutionalisation of political parties and their  
79 institutional strengths are directly correlated to their ability to discharge their ascribed responsibilities, and by  
80 extension, the strengths of democracy.

81 One of the importance of political parties as Aldrich (1995) suggests, parties are formed to resolve collective  
82 action problems internal to the legislature. A party-free legislature would be chaotic, unstable and would be  
83 unable to extract much from the executive. In order to solve collective action problems external to the legislature  
84 they come to regard a collective good, their party's public reputation or "brand name," as critical to their  
85 individual success (Cox and McCubbins 1993). Like all public goods, individual politicians have little incentive  
86 to invest in the party's collective image; instead, they are under pressure to pursue their own interests, regardless  
87 of costs to the party, individual party members thus face a dilemma: whether to pursue their individual interests,  
88 or devote resources to the maintenance of the party's provision of public goods ( (Cox 1987;Cox and McCubbins  
89 1993).

90 To guarantee the independent of the divisions of governmental powers and functions among the three arms,  
91 the doctrines of "separation of powers" and "checks and balances" became important features of presidentialism.  
92 Thus, the 1979 Nigerian constitution combined two political architectures of presidentialism and federalism which  
93 are considered to be highly expensive, this was later retained by the 1999 constitution. The Presidential system  
94 has its root in the American political system and may be considered as America's contribution to political  
95 organisation ??Okege, 2002:138). The fusion of power in the parliamentary system places both legislature and  
96 executive power in the same hands of few. There have been raging debates about which political system guarantees  
97 regime stability. Presidential regimes are considered to be prone to produce institutional deadlocks ??Aiyede,  
98 2006:140). According to Linz, presidentialism lacks a built-in mechanism to induce cooperation between the  
99 executive and legislative branches of the government ??Linz, 1993:108-26). This is because the failure of  
100 the government does not affect the legislators' political survival and re-election. There are two fundamental  
101 characteristics that differentiate presidential and parliamentary systems, first whether there is separation of  
102 origin; secondly, whether they have separation of survival ??Samuels and Shugart, 2006:9). If electorates directly

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103 elect the members of the legislature and cast a separate ballot to elect the president, there is separation of origin,  
104 this is what presidentialism entails. If the voters only directly elect the legislature, and then the legislature  
105 elects the executive, then there is unity of origin, because one branch of government originates from within the  
106 other, unity of origin characterizes parliamentary system (*ibid*) Sources: Samuels and Shugart, 2006:9 Since the  
107 president tenure is fixed and cannot call for early election, nor can parliamentarians call for new elections in the  
108 hope of ousting the president, if anything, the president can only be constitutional removed through impeachment  
109 process. This might generate anxiety in the president as he tries to deliver on his campaign promises within the  
110 limited time provided for his/her stay in office. This may lead to ill-conceived policy initiative, overly hasty  
111 stabs at implementation, and unwarranted anger at the lawful opposition ??Aiyede, 2006:142). Under normal  
112 constitutional procedures, both arms of government survive independently of the desires of the other, until the  
113 next scheduled election. In contrast, under parliamentarism the survival of the prime minister depends on the  
114 continued consent and support of the parliamentary majority that empowered the executive in the first place  
115 (*ibid*). If a parliamentary majority declares "no confidence" in the prime minister and his or her cabinet, the  
116 government is dissolved and either a new cabinet is formed or new elections may be called, as in the case of the  
117 United Kingdom after the Brexit referendum.

118 In Nigeria even when both the presidential and National Assembly elections hold concurrently, voters cast  
119 three ballots for presidential, senatorial and house of representative elections respectively. When the separation  
120 of origin is evidently clear in Nigeria, the separation of survival is difficult to pinpoint for the following reasons.  
121 First, the Supreme Court in Nigeria has ruled that political parties contest election and not the candidates, i.e.  
122 it is political party that wins or loses elections, most often than not, Nigerians cast ballot for political parties. If  
123 at all primaries election were held, only few delegates are involved in the selection process. Second, since political  
124 parties are not programmatic, they are highly structure around single or few personalities, most electorates  
125 vote for a party enmasse without proper investigating individual candidates on that platform, hence, divided  
126 government is rear in Nigeria, especially at the central level, that is why the party that wins the presidential  
127 election controls the National Assembly.

128 Third, presidential election is seen by both political parties and electorates as the "Top Prize" and one with  
129 enormous influence on their lives. In most cases, the legislative election is been viewed as insignificant. In  
130 a democratic environment where in most cases, the electorates know little or nothing about the candidates  
131 for legislative seats, voters ignorantly cast ballots for just any candidate seeking parliamentary seat. Others  
132 completely have no interest in the legislative elections, even when the poll holds the same day with presidential  
133 election. Because of the enormous power wielded by the president and patronages which the office could distribute  
134 to cronies, more attention is given to the presidential poll in disregard for the national assembly polls. a)  
135 Executive-Legislative Relations of APC Government:

#### 136 The Genesis

137 The journey that eventually culminated to the formation of APC started towards the 2011 election. The  
138 attempted political alliance between the south-west regional dominant party, Action Congress of Nigeria and  
139 the newly formed political party by Muhammadu Buhari Congress for Progressive Change (CPC) failed to  
140 materialize. However, the backers of these parties built on the contact and the process for the merger of the so  
141 called "progressive parties and individuals" commenced immediately after the 2011 elections. Gen. Muhammadu  
142 Buhari, speaking on the plan merger said: For ACN and CPC, it is not an alien issues, it is a continuation of  
143 what we started in 2011. Time was against us... This time around, we started early to build on the foundation  
144 we have laid in 2011. I assure you that all those who are consistent, that are concerned with this system of  
145 solidifying democracy should know that the only solution (to PDP domination) is the merger (Omoniyi, 2013).

146 Thus, the APC is the merger of the Action Congress of Nigeria, spearheaded by Senator Bola Tinubu, former  
147 Lagos state governor. Congress for Progressive Change of Muhammadu Buhari, All Nigeria Peoples' Party,  
148 which Buhari had been it presidential candidate twice, 2003 and 2007, the breakaway group of All Progressive  
149 Grand Alliance lead by Rochas Okorocha and a group of revolted members of PDP. The All Progressive Congress  
150 officially formed on February 6, 2013, is a conglomeration of five political parties with divergent political views.  
151 While political parties lack concrete ideologies that direct policy formulation and implementation, the leftist-  
152 rightist divide in developed democracies have not taken root in Nigeria. While a resembling of progressive and  
153 conservative divide among the politicians exist. No doubt, corruption and impunity are general characteristics  
154 of Nigeria politics, as such, no major difference among the political parties.

155 The successful merger of these regional parties was significant in the Nigeria democratic terrain. First, APC  
156 pioneered a successful political merger among regional parties to challenge the national party, thus, APC move  
157 forward from the political alliance known in the Nigeria party politics. The past efforts for a broad base national  
158 opposition party to challenge the ruling parties had been unsuccessful, at best a political alliance for a joint  
159 candidacies were the outcome. Second, APC brought together different politicians with different regional interest  
160 and political view. Third, APC is seen by some Nigerians, particularly in the southsouth and south-east as a  
161 political marriage of North and south west, finally, APC is a means for the south west to get back to federal  
162 politics for the very first time after Obasanjo administration.

163 ACN, the dominant party in south west after the 2011 election controlled 5 states out of the 6 in the region.  
164 The party like every other socio-cultural and political organisations in the south west canvassed for devolution of  
165 power from the federal government to subordinate levels of government, state police, review of federal character,

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166 restructuring or what is generally termed "true federalism". The party can be described as a loose form of  
167 welfarist party. The party formed by Bola Tinubu, broke away from Alliance for Democracy (AD), a remnant  
168 of the Action Group and Unity Party of Nigeria (UPN) of first and second republics respectively. The Congress  
169 for Progressive Change had General Muhammadu Buhari as its backer, championing the campaign for anti-  
170 corruption war in Nigeria politics. It had the northern masses i.e. the talakawas as its support base. Aside only  
171 the anti-corruption war and wealth redistribution, CPC had no clash of interest with northern agenda which is  
172 conservative to national issues. All Nigeria Peoples' Party was dominant in the north. Although, the party was  
173 making headways to other parts of the country particularly the south west.

174 The decision of the Five (5) aggrieved governors lead by Atiku Abubakar, former Vice-President, who had  
175 contested for the presidency under ACN in 2007 before he rejoined PDP for the 2011 presidential ticket and  
176 Bukola Saraki, (former Kwara state governor and the senate president), Aminu Tambuwa (former speaker, house  
177 of representative, now governor of Sokoto state) and other high profile members of PDP to join the newly formed  
178 APC changed the structural composition which would later have effect on the party. The fear expressed by  
179 the supporters of APC has always been how the party would manage the different political interests among the  
180 various caucuses in the party.

181 When it is clear that the APC had won the Presidency and National Assembly elections, the intrigues and  
182 internal politics of who emerges the senate president and speaker of house of representative commences. The  
183 Peoples' Democratic Party (PDP) has devised a means of power sharing among the six (6) geopolitical zones.  
184 Therefore, the crisis and conflict in the Senate is induced by the struggle of like Minds, loyal to Bukola Saraki to  
185 reintroduce the zoning principle in the Senate which the PDP used in sharing important national offices when  
186 they controlled the Federal government from 1999 to 2015 (Mbah and Egobueze 2016: 10).

187 Since President Muhammadu Buhari is from the North West (CPC), his Vice, Professor Yemi Osinbajo from  
188 the South West (ACN), Nigerians had believed the Senate President or the Speaker would emerge from the  
189 South-East or the South-South regions. Unfortunately, however, the APC had no senator from these regions as  
190 at that time (APC now have three senators from the two regions, after defections from PDP and Labour Party  
191 to APC) and no ranking members of house of representative from the regions). This threw up the leadership of  
192 National Assembly wide open for anyone to catch and besides the APC, unlike the PDP has no zoning in her  
193 constitution.

194 The senate was divided into two groups of support base. The first, "Like Minds" loyal to Bukola Saraki enjoyed  
195 and still have the support of all senators under the platform of PDP, his former party and some senators from  
196 APC and the "Senate Unity Forum" which was formed to campaign for Sen. Ahmed Lawan and has the support  
197 of APC national leader, Bola Ahmed Tinubu. While President Muhammadu Buhari, appeared indifferently to  
198 the two groups and was ready to work with anyone who emerges. The "Like Minds" benefitted from widely held  
199 sentiment that the emergence of Ahmed Lawan would have given too much influence to Bola Ahmed Tinubu  
200 camp in Buhari Presidency, while the unity forum argues that for easy policy reforms, there is the need to have  
201 the national assembly under the president's control and to witter the storm of legislature politics by influencing  
202 the leadership of national assembly to work in tandem with the executive for speedy implementation of party  
203 policies and programmes.

204 Senator Bukola Saraki was known to be nursing the ambition of senate presidency even when he wasn't a  
205 ranking member of the senate in 2011. On June 9 2015 both Bukola Saraki and Dogara, former members of  
206 PDP were declared senate president and speaker respectively. Saraki defeated Ahmed Lawan with 57 senators  
207 that were present voted him unanimously when the remaining 51 senators were at the international conference  
208 centre waiting for a truce meeting reportedly called by the leadership of the APC and President Muhammadu  
209 Buhari (Premium Times, 2015). While Yakubu Dogara defeated Femi Gbajabiamila with 182 votes to 174 votes  
210 (Tukur, 2015). The PDP supports for both Bukola Saraki and Yakubu Dogara despite not enjoying same from  
211 the leadership of their party, was paying the APC back in their own coin. In 2011, the then ACN, the leading  
212 opposition in house of representative with other minorities and some rebellious members of PDP voted for Aminu  
213 Tambuwa against the party favoured candidate, Hon Mulikat Adeola. The fact that both Saraki and Dogara  
214 were former members of PDP made it even easier for them to get the support of the party. Since there is high  
215 probability that both men might return to the party in the future, the support given to them by the PDP is a  
216 way to make it even faster and easier.

217 In a move to salvage the effect of rebellious act of both Senator Bukola Saraki and Speaker Dogara, APC  
218 conveyed the recommended names for the other principal officers of the national assembly. APC approved Ahmed  
219 Lawan PhD (North East) as Senate Majority leader, Sen. Prof Sola Adeyeye (South West) as Chief Whip, Sen.  
220 Dr George Akume (North Central) as Deputy majority leader, Sen. Abu Ibrahim (North West) as Deputy Chief  
221 Whip; Hon Femi Gbajabiamila (South West) as house leader, Hon Alhassan Ado Doguwa (North West) as  
222 Deputy house leader, Hon M.T Monguno (North East) as Chief Whip and Hon Pally Iriase (South South) as the  
223 Deputy Chief Whip (Gbadebo and Odemwingie, 2015). But contrary to the party recommendations, Sen. Bukola  
224 Saraki announced Sen. Ali Ndume (North East) as senate majority leader, Sen. Bala Ibn Na'allah (North West)  
225 as Deputy Senate leader, Sen. Francis Alimikhen (South-South) Deputy Chief Whip (Umoru and Erunke, 2015).  
226 Given reasons for his refusal, Sen. Saraki stated that he followed rules and procedures of the senate which made  
227 the zonal caucuses, and not party, are empowered to present candidates for principal positions in the chamber  
228 (Tsan and Nda-Isaiah, 2015). On his part, the speaker initially cited federal character and legal factors for his

229 refusal to name party approved candidates, he however rescinded and named the party candidates for principal  
230 officers of house of representative.

231 There are different arguments for the way in which the presidency handled the leadership crisis of the national  
232 assembly. First, President Buhari is keeping his word to be a converted democrat and would not temper or  
233 interfere with the independence of other institutions. Besides, the scenario been played out at the national  
234 assembly would eventually strengthen the legislative institution in Nigeria. Second, other argument is that  
235 presidency must interfere in the leadership of the national assembly, if not for easy passage of bills and smooth  
236 executive-legislative relations, at least to ensure that the legislators are not been hijacked or influence by the  
237 oppositions (in and out of the ruling party, as it is unfolding in the 8 th assembly). Governing parties that  
238 are internally divided have greater difficulty in forming the legislative majorities necessary to pass laws quickly,  
239 especially if their preferences are further away from the opposition (Haber, 2015). Nigeria political Parties are  
240 fragmented into various caucuses. Even when the present governing party has the majority to get its policies  
241 approved, it has been difficult for the president to the so. As shown in later sections of this paper, the presidency  
242 doesn't enjoy the support of majority of legislators even from his political party for obvious reasons. There is no  
243 way fragmented political parties would be disciplined; the crack in a party is enough to show lack of cohesion  
244 and unity of purpose.

## 245 **4 b) Selected Cases under APC Government**

246 The unfolding drama and conflict between the presidency and the senate in particular is the consequences of  
247 the leadership crisis of which the seed was planted by the rebellious legislators and how the party responded  
248 to the crisis. Not long after the dust had been settle on the leadership of National Assembly , the presidency  
249 commenced the prosecutions of senate president and his deputy, for allegedly forged the senate standing rules in  
250 their favour. Bukola Saraki is been prosecuted separately at the Code of Conduct Tribunal for alleged falsification  
251 of declaration of asset form when he was about to leave office as the governor of Kwara State. At the time the  
252 senate president is under trial, the panama paper unravels Saraki properties in tax heaven; the presidency later  
253 dropped the forgery trial. The trial at the CCT disrupted seating at the senate, the senators relocated to the  
254 CCT in solidarity with the senate president, as if it was the senate that is under prosecution.

255 In view of many, senate president is been politically victimized by his party, and therefore, he must seeks  
256 help and support of PDP senators whose member he had helped to the post of deputy senate president. From  
257 the onset there was lack of coordination in the presidency on the one hand, and between the presidency and  
258 national assembly on the other hand. There are contradictions policies, programmes and reports from ministries,  
259 department and agencies of government under the power and supervision of the presidency.

260 One of the issues that lead to the face-off between the executive and legislature is the discrepancies of what  
261 the executive presented as the 2016 appropriation bill and what the heads of some agencies defended at the  
262 appropriation committee. First, the lawmakers claimed that the executive had inflated the budget with unclear  
263 items injected; however, most of the MDAs claimed the budget the lawmakers were making reference to is  
264 difference from what they prepared for presentation by the president. The discrepancies generated allegations  
265 and counterallegations, and the possibility that the presidency actually presented two versions of the budget.  
266 Again, that the budget was padded by cabals at presidency and in cooperation with the lawmakers may not be  
267 ruled-out. The house of representative investigated the allegation and subsequently suspended the chairman of  
268 the appropriation committee, Hon. Abdulkumain Jibrin, for 181 legislative days. Abdulkumain Jibrin had claimed  
269 that the speaker and other principal officers of the house inserted constituency projects into the budget. In the  
270 presidency, the head of budget office was sacked and replaced. There was also allegation of budget disappearing  
271 from the senate immediately it was presented by the president. The confusion that trails the 2016 budget is  
272 a reflection of lack of coherency, coordination and cooperation between and among the presidency, national  
273 assembly and APC. Even though the president constantly met with the senate president and speaker, it has not  
274 made their relation less confrontational and distractive.

275 The funding and execution of constituency projects have remained unresolved since 1999. The legislators had  
276 earlier fumed at the exclusion of the constituency projects in 2016 budget and threaten a showdown with the  
277 executive. After negotiating with the executive, the projects were inserted into the budget. The constituency  
278 projects is view by the legislators has their own effort to get the national cake to their constituents, and inability  
279 of any feasible project would negatively affect their ratings and re-election bid. The legislators were also not  
280 happy about their exclusion from the social welfare programmes of the present government. The senators wanted  
281 the programmes to be like a constituency projects that would get them directly involved. But, to the presidency,  
282 the legislators were only trying to hijack the programmes for their cronies and supporters and not for general  
283 goods as envisaged by the executive.

284 Similarly, another area of conflict between the executive and national assembly, particularly the senate is the  
285 rejection of summons by some government officials. First it was the secretary to the government of the federation  
286 (SGF), Babachir David Lawal that refused to appear before the senate. The summoning was sequence to the  
287 allegation of fraud at the Presidential Initiative of North East (PINE), the award of contract for grass clearing  
288 in refugee camps in the north east. The senate investigation unravels the fraud to the sum of N500m for grass  
289 clearing. Again the same award was contracted to the company in which the SGF have a substantial share which  
290 was against the rule of public procurement. In a move to give his refusal to appear a legal backing, he went to

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291 court but later rescinded and agreed to appear before the senate. The Senate forwarded its report to the president  
292 and order the SGF sacked. In his response, the president sent a letter exonerating Babachir David Lawal to the  
293 senate. However, six (6) months after, the president ordered his suspension and constituted presidential panel  
294 headed by the Vice-President Prof Yemi Osinbajo to investigate corruption charges against the SGF along with  
295 the Director-General of National Intelligence Agency, Ayo Oke.

296 Immediately after the swearing-in of president Buhari, change of leadership at EFCC was one of his priorities.  
297 Mr Ibrahim Mustapha Magu though in acting capacity replaced, Ibrahim Lamorde, which many believe headed  
298 the EFCC of toothless bulldog. The EFCC act empowers the president to nominate the chairman of EFCC but  
299 subject to the approval of the senate. On the assumption of office, Mr Magu embarks on anti graft crusade,  
300 which could only be comparing to Nuhu Ribadu era in EFCC. Money was voluntarily returned, while EFCC  
301 operators engage in recovery of funds hidden in banks, apartments and stores. Politicians, ex-cabinets members,  
302 paramilitary chiefs, military officers, serving and retired were investigated and in some cases properties and  
303 billions of naira were recovered. Nigerians especially those in support of the anti-corruption war of the present  
304 administration hailed the success recorded, even when the prosecution and conviction of the accused is a rare  
305 occurrence.

306 Still there's some sense of approval among the masses but the power interplay among forces in the presidency  
307 and the senate are hard bend not to see Magu to cross the hurdle of a constitutional screening by the senate. The  
308 delay in forwarding the name of Ibrahim Magu was as a result of competing interest at the presidency. It took the  
309 bravery of Prof Yemi Osinbajo, the vice president then acting as president to forward the name of Ibrahim Magu  
310 as substantive EFCC chairman for senate confirmation. Unexpectedly, the senate rejected his confirmation due  
311 largely to a damning report by Department of State Security Service (DSS) of him lacking integrity to continue  
312 as EFCC chairman.

313 President Buhari responded to the report by the senate of the rejection of Ibrahim Magu by ordering a separate  
314 underground background check on Magu and no concrete evidence to implicate him of the allegation was found,  
315 therefore he was re-nominated and his name forwarded back to the senate. In another twist of events, D.S.S once  
316 against sent implicating report to the senate, therefore, the senate hinged on the report to reject the nomination  
317 of Magu. The senate had capitalized on the power game and supremacy battle within the presidency. As one  
318 senator reiterated

319 We told the leadership of our party that political appointees of President Muhammadu Buhari were using the  
320 media against us, especially Magu. We stated to them that Magu (case) was brought in dead; that what we did  
321 was to only conduct his funeral (Baiyewu, 2017).

322 EFCC had been investigating some senators of corruption especially ex-governors, there are some 17 ex-  
323 governors both civilian/military governor/ administrators in the 8 th senate (Emmanuel, 2015). Immediately  
324 after his first rejection, EFCC had accused the senate president of fraud in the Paris Club refund to states  
325 government. It was alleged that Saraki been a former chairman of the Nigerian Governors Forum (NGF) received  
326 the sum of \$3.5billion, the allegation the senate president denied. Despite Magu rejection by the senate twice,  
327 he still keeps his job as the acting chairman of EFCC which some senior lawyers have argued can remain in the  
328 job in an acting capacity. Some have suggested that the presidency could forward Magu for re-nomination until  
329 the senate confirm his appointment.

330 Other prominent aspect of frosty executivelegislative relationship was the confrontation between the senate  
331 and the Comptroller-General of custom Col. Hammed Ali. President Buhari had appointed the retired colonel  
332 as the head of the custom, raising eyebrow over the appropriateness of the post. While it is lawful for the head  
333 of custom to come outside the organization, the job title could have been an administrator of custom. Soon,  
334 the issue of uniform suffice, as retired military man; Col. Ali had said he wouldn't wear the custom uniform;  
335 because it would rub off his military prowess. Custom had announced that it would embark on vehicle verification  
336 imported through land border and impound those without full duties. The senate summoned the CG and order  
337 him to appear in appropriate uniform. The CG initially refused to turn-up and adamant not to appear. He  
338 however appears before the senate in mufti and was turned back by the senators to appear in custom uniform.  
339 Later, the custom accused the senate of frustrating the new policy because it seized a SUV allegedly belonging  
340 to the senate president, the allegation the senate investigated and exonerate the senate president of any wrong  
341 doing.

342 In a move to inform the executive of the frustration of the senate, it had threatened not to take any further  
343 action on 2017 appropriation bill and the 27 Resident Electoral Commissioner nominees sent to it. In a swift  
344 reaction, the APC had caution the appointees to shed their sword and respect the senate. Subsequently, the  
345 senate proposed an amendment to the EFCC act that would transfer the power to appoint the chairman from the  
346 executive to the national assembly. Again, in bid to usurp the power of the executive, there is another proposal  
347 to bring the code of conduct tribunal directly under the control and influence of the national assembly. The CCT  
348 has been placed at the presidency. Even though there had been agitation in the past for the CCT to be taken to  
349 either the control of the judiciary or the legislature, however the present propose amendments are in bad faith.

350 The power politics in the National Assembly took a new turn by the suspension of another member.  
351 Abdulkumain Jibrin had been removed and suspended as the chairman of the appropriation committee of the  
352 house of representative after the budget padding scandal of 2016. The second suspension was handed to Sen. Ali  
353 Ndume, by this time, had been removed as the senate leader in what looked like a palace coup. It was reported

354 that Ndume excused himself to observe the noon Islamic prayer and before he came back, power had changed  
355 hands. Sen. Saraki sacrifice Ndume for Sen. Lawan, his challenger for the senate presidency and the party's  
356 backed candidate. Sen. Lawan had been recommended to Saraki as the Senate leader, but instead announced  
357 Ndume as the senate majority leader.

358 The reason(s) why Saraki removed Ndume is clouded in obscurity. But it may not be unconnected to Ndume's  
359 constant support for President Buhari. In reacting to Magu rejection by the senate for the second time, Ndume  
360 had challenged the Sen. Bukola for lacking moral right to base Magu rejection on D.S.S investigation. In the  
361 floor of the senate, Ndume called for the investigation of Dino Melaye certificate scandal and the allegation  
362 by the custom of fake document to clear SUV allegedly belong to the senate president. Both allegations were  
363 investigated by the senate committee on ethics; the report exonerated both Sen. Bukola Saraki and Dino Melaye.  
364 The committee recommended suspension of Ndume for 190 legislative days. There are similarities between the  
365 suspensions of Jibrin by house of representative and that of Ndume of the senate. First both men are members of  
366 APC the majority party in both chambers of National Assembly; second, they were allies of both senate president  
367 and speaker who defied their party.

## 368 5 III.

369 Executive-Legislative Rife: The Struggle for Power?

370 In view of many, the power play in National Assembly and the rift with the executive are moves towards  
371 the 2019 general elections. The rift between the institutions is not new in Nigeria at both national and sub-  
372 national levels; the patterns have been similar since 1999. No doubt, the APC legislators have remained the  
373 government strongest opposition. Even though the same party control both the executive and the legislative,  
374 this confrontation between the arms of government is not unpredictable.

375 First, political party influence in the emergence of principal officers of the parliament in the presidential  
376 system has been another lingering problem especially in Nigeria. Since the two institutions have separates origin  
377 and survival, the best possible way to balance the need for the independence of the National Assembly, party  
378 cohesion, the spread of political office among competing interests or what is known as zoning and the desire of the  
379 president to have smooth relations with the legislators for easy approval of bills and nominations continue to be  
380 problematic. The constant changes of national assembly leaders during Obasanjo and Yar'adua tenures (1999 to  
381 2010) is as a result of this cobweb of competing intrigues within the erstwhile ruling political party, the Peoples'  
382 Democratic Party, the presidency and the legislators. Goodluck Jonathan had no concrete confrontation with  
383 the legislators, thus there was stability in the National Assembly. its two years into the present administration,  
384 but from the available evidence, the recent confrontational stand of the senate is the unfavourable emergence of  
385 principal officials of the national assembly to the presidency and the party, APC and their initial reaction to the  
386 rebellious act of the legislators.

387 Second, the public misconception about the role of the legislature has been a challenge, which the executive has  
388 capitalised on. People most time confuse the role of the legislature to that of executive and place high expectation  
389 on them to provide amenities such as roads, schools, hospital, employment, social/ economic empowerment  
390 programme and even to seek personal help like payment of hospital bills and tuition fees. Thus, failure to provide  
391 these amenities is regarded as legislative ineffectiveness both individually and as an institution of government. In  
392 a survey conducted in Kwara State, Nigeria out of the 229 respondents who plan to vote in 2015, 209 (91.3%) of  
393 the respondents plan to vote in the presidential election, 87 (38%) of the respondents plan to vote in the senatorial  
394 election, 78 (34.1%) of the respondents plan to vote in the House of representative election, 138 (60.3%) of the  
395 respondents plan to vote in the governorship election and 71 (31%) of the respondents plan to vote in the House  
396 of assembly election. Of the 209 that plan to vote in the presidential election ??Ojibara, 2015:76).

397 Third, the legislature been a victim of prolong military rule has constantly in the struggle for power, relevance  
398 and public acceptability in the political space. Majority of Nigerians are ignorant about the functions of legislators  
399 and in constant bashing by the Nigeria Public. The recent gridlock in the National Assembly has some Nigerians  
400 advocating a separate date for the National Assembly elections. Nigerians are now aware of the importance  
401 of the legislature as a critical institution for democratic development and advancement. The need to be more  
402 sensitive about candidates seeking legislative seats has also been stressed. Politicians' fates are linked due to  
403 public perceptions of collective responsibility for competence, honesty, and policy success or failure, accordingly,  
404 a politician's career depends on both individual attributes and collective party characteristic ??Samuels and  
405 Shugart, 2006: 10).

406 In addition, Saraki is known to have the presidency as his final political destination. The power play is view as  
407 his battle for political reckoning and influence within APC and PDP. The process that threw up the emergence of  
408 both Saraki and Dogara was possible because the duo were formal members of PDP, the erstwhile governing party.  
409 The allegation that both men are preparing ground for their return back to the PDP can't be wash away given that  
410 politicians crosscarpet at will. Related to the above, some of the executive-legislative conflicts are masterminded  
411 by forces outside the precincts of the institutions but using forces within the parliament ??Muhammad, 2010:96-  
412 112). The argument is that both Saraki and Dogara are implementing this agenda and will jump ship as the  
413 2019 approaches. In the face of policy disposition by an executive bent on "fighting corruption" as a fundamental  
414 principle of governance in Nigeria, then a major fallout is expected with legislators bent on perpetrating a

415 rapacious mode of political behaviour and its attendant social and economic consequences (Bassey, 2014:36-52).  
416 Unfortunately, the executive has not properly investigated corruption against some government officials.

417 Furthermore, another area of serious argument in presidentialism is the issue of party supremacy. It is clear  
418 that the constitution is supreme and supersedes any other laws in the country, political parties most often  
419 than not, emphasized the importance of party supremacy to legislators. What is often refers to as the party  
420 supremacy is the decision of the few that control the party machinery which is expected to be final and binding.  
421 The process of candidates nomination is not always open and transparent, unlike in the United States of America  
422 were all party members participate in the nomination at one stage or the other. In Nigeria, only few party  
423 members engage in the primaries process. The influence of Godfathers is rooted in Nigeria's political culture of  
424 primitive accumulation that includes the reciprocal expectation concerning the nature of reward, which continues  
425 to condition the behaviour of the political class in ways that defy constitutional propriety and civility (Bassey,  
426 2014:37-52).

427 The line of leadership and authority of political parties in parliamentarianism is very clear. Any party member  
428 that wins the leadership contest of a political party is automatically declare as the prime-minister when such  
429 party triumph in general elections and in as much as he/she continues to enjoy the support of members of the  
430 party both in parliament and outside. The control of both the party and machinery of government is therefore  
431 unified. In Presidential system, even when the president is considered to be the leader of the party, which is  
432 mostly ceremonial, his influence maybe limited. In Nigeria, there have been cases of clash of interest between  
433 presidents and party chairmen. During the tenure of Obasanjo (1999-2007), the Peoples' Democratic Party had  
434 more than five (5) chairmen during this period, a reflection of party indiscipline and inconsistencies.

435 Finally, president Buhari has been left as a political orphan in this power play. The senators loyal to Bola  
436 Ahmed Tinubu seem to have withdrawn their supports to the president. The political naiveties exhibited by  
437 Pres. Buhari in the first month of his administration proved to be his greatest undoing. The Buhari camp had  
438 accused Bola Ahmed Tinubu of trying to wield too much power in the presidency and the possible way to put him  
439 under check is not to support either camp at the national assembly. The events in recent months have left the  
440 president at the mercy of the senators demanding that Saraki trial at the CCT should be discontinue. Finally, the  
441 8 th national assembly has accused the presidency of not lobby them for smooth passage of appropriation bills,  
442 confirmation of nominees and the anti-corruption war. Lobbying in Nigeria parlance is the dashing out of cash  
443 and distribution of patronages. The term "Ghana must go" or brown envelop" is synonymous with the national  
444 assembly especially during Obasanjo administration. The national assembly want Pres. Buhari to continue in  
445 that tradition of distributing cash largesse to them in return for their support.

446 IV.

## 447 6 Conclusion

448 The unfolding events, drama and rift between the executive and legislature under APC government are not  
449 unpredictable. The prolonged military rule negatively affected the legislature, some Nigerians couldn't understand  
450 why bicameral is necessary. The legislature has been struggle for relevance in the political space since returned to  
451 democracy in 1999. The struggle for survival, independence and power often place the legislators in confrontation  
452 with the executive and in Nigeria case, the political party. What constitutes party supremacy have been a  
453 challenge, and whether the legislators should follow the instructions given to them by their political party or in  
454 should act in the interest of the constituents and the nation. Political parties in Nigeria haven't been able to  
455 draw a line among the competing interests. While the executive and legislative gridlock is not new in Nigeria,  
456 the present confrontation has not been well managed by the APC. Given the nature and process leading to it  
457 formation, APC, like all political parties in Nigeria lack internal conflict resolution mechanism, thus they are  
458 fragmented along caucuses around political heavy weight.

459 Again the time for political parties and Nigerians in general to give importance to the legislature like the  
460 executive has also been stressed. The present situation whereby the national assemble election is been treated  
461 with less interest and enthusiasms should be checked. The national orientation agency should embark on national  
462 campaign to enlighten and educate Nigerians why more emphases and interest should be place on legislative  
463 elections. Also the power, functions, responsibilities of legislators should be well communicated to the electorates,  
464 so the legislators wouldn't be under undue pressure from their constituents for the execution of project, which is  
465 solely the responsibility of the executive.<sup>1</sup>

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