# Re-thinking the Legislature-Executive Relations and the Nigeria's Foreign Policy in the First Eight Years of Fourth Republic

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**Abstract**
This paper examined the legislative/executive brouhaha and Nigeria's foreign policy, 1999 – 2007. The restoration of democratic rule in May, 1999 was a watershed in Nigeria's foreign policy. A new constitutional democracy headed by Chief Olusegun Obasanjo was born and the symbol of democracy, the legislation at both the national and sub – national levels was constituted. The premonition that Nigeria might once again bounce back to prominent global reckoning was obvious from the volume of goodwill that General Abubakar's transition programme generated in the country with the enthronement of Chief Olusegun Obasanjo as President and Commander In Chief of the Nigerian Armed Forces. Not too long after the inauguration of the government, the Legislature and the Executive brouhaha ensured and this had implications for both domestic and foreign policies of the Country. Methodologically, the paper adopted secondary data and content analysis in the scrutiny of the data. The study observed the absence of due process in policy formulation and implementation, amongst others were the major causes of ruckus Legislature and the Executive and recommended effective consultations and accountability as the remedy for rumpus.

**Keywords:** Brouhaha, Executive, Foreign, Legislature, Management, Policy, Relations

## Introduction

States and nations are reckoned with the form and nature of government adopted to direct their affair. Egobueze (2020) opined that no State can exist without a form of government; there must be an articulated system through which the State directs its activities.Different political systems exist in different States. A political system is a coordinated set of principles, laws, ideas, and procedures relating to a particular form of government, or the form of government itself. In every

country, the rights and liberties enjoyed by citizens are affected by the type or form of the political system adopted by the State. For instance, it is obvious that democracy guarantees citizens' liberty as well as freedom better than dictatorial regime like militarism or fascism wherein political power runs through the barrels of the gun. Democracy arguably is the most buzz word in the world because of its guarantee of liberty. No wonder why more than two third of States worldwide have adopted it as a form government. Its significance is felt in both domestic and international relations. Describing democracy, Ajakaiya and Robert (2002 also cited in Egobueze, 2020) argued that:

> it is the process of governmental form that affirms the supremacy of the people, meaning the repository of political power is vested in them (the people), to be exercised directly or through elected representatives under a free electoral process. Democracy is a universal form of rule, which, though, may have variable manifestations in different historical and social settings, have such manifestations tied together by a common thread. Democracy in this sense accordingly refers to three basic ideas which are democracy as a moral imperative; democracy as a social process and; democracy as a political practice or mode of governance (p.4).

Democracy is associated with popular rule; rule by the people; collective decision-making and implementation; consultative and dialogue-based rule; rule by the majority etc. In the words of Abraham Lincoln, democracy is a government of the people, by the people, and for the people. This definition from Lincoln has influenced several scholars and been the most popular tonic in human history. It locates government as a product of the people conceived by them and meant for their development.

The recognition of the people as the supreme owners of power is elaborated in the Lincolnian definition because power is vested in them and exercised directly by them or by their elected agents under a free electoral system. Democracy is a form of government in which all eligible citizens participate equally either directly or through elected representatives in the proposal, development, rulemaking, implementation and or interpretation. Very critical to democratic principles are sovereignty; sovereignty belongs to the people and they remain supreme. It is important to note that power belongs to the people; theultimate rulers of a democracy are the voters, but not the leaders.The importance of the supremacy of the people can never be over emphasized. Therefore, representatives of the people must ensure that their actions and inactions while in the services of the State are predicated towards developing democratic values that would enrich the functionality of the society**.**

Before 1999, democracy was very elusive in Nigeria. However, the restoration of democratic rule in May of that year was a watershed in Nigeria's foreign policy. A new constitutional democracy headed by Chief Olusegun Obasanjo was born and the symbol of democracy, the Legislation at both the national and sub – national levels was constituted. The premonition that Nigeria might once again bounce back to prominent global reckoning was obvious from the volume of goodwill that General Abubakar's transition programme generated in the country. Anyaoku (2013) opined that "the domestic situation and the external image of Nigeria had become very unpopular by the time an agenda for a return to a democratic political system was unveiled in late 1998 (p. 333)". The Albatross military dictatorship ran the Nigerian State into a pariah with her excommunication from global reckoning through sanctions from major world powers and organizations, especially the Abacha's draconian regime created

disorder in the State. However, the restoration of democratic rule in May, 1999 was a watershed in Nigeria's foreign policy (Egobueze, 2017).

Nigeria was almost ostracized from global reckoning; her image was tainted and battered in international frontier. While presenting his inaugural speech, President Obasanjor as cited by Solomon 2011stated that "Nigeria, once a well-respected country and a key role player in international bodies, became a pariah nation. We shall pursue a dynamic foreign policy to promote friendly relations with all nations and will continue to play a constructive role in the United Nations and the Organization of African Unity, and International Bodies (p.132)". President Obasanjo knew the challenges of Nigeria and was ready to fix the Country from global isolation to reckoning. Thus, heglobe - throttled, seeking options to restore Nigeria's image and supports to re-envent her ailing economy to reckoning. Regardless of the divergent views of Nigerians on this matter, the inescapable reality is that the country once again returned to global reckoning within the first two years of the Obasanjo Administration (Egobueze, 2017).

In order to formulate a strong foreign policy, the administrated needed to fix the domestic front. This was imperative in order to elicit International supports and cooperation. To achieve this, the President embarked on fiscal and institutional reforms predicated on re-inventing and reshaping the country, which was once regarded as the giant of Africa. This was a Herculean task, given the fact that institutional reforms required a robust synergy between the Legislature and the Executive. President Obasanjo, being a former Head of State, brought his image to bear, and attempted to, and usurped some legislative processes and procedures. The overwhelming dictatorship of the Executive under the headship of President Obasanjo led to a series of conflicts between the Legislature and Executive. Thus, in the realm of foreign policy, though the Constitution grants the President wide latitude within which to act, his policies and actions are subject to the dictates of the laws made by the National Assembly. The National Assembly technically controls the President in the formulation and conduct of foreign policy in the sense that it controls the national purse, ratifies the appointment of ministers, ambassadors and other diplomatic agents. It also ratifies treaties and agreements before they can become an integral part of the laws of the land, approves/ disapproves deployment of the armed forces of the nation for combat duties outside the country, approve/disapprove a declaration of war by the president, and exercise oversight functions.

The President sometimes undermined the prescription of Baron de Montesquieu, to the risk of abuse of power and arbitrariness. The doctrine of separation of power, posits that the guarantee against abuse lies in established mutual checks among the Legislature, the Executive and the Judicial arms of government. Such checks become more meaningful where these functions are performed by distinct people or organs. The constitutional framers were careful to provide linkages in the distribution of power (Egobueze, 2016). Egobueze (2020) opined "the doctrine of separation of powers means ordinarily that in power relations and application, the organs of government must deal with boundaries where they have been given powers and authority to function" (p.241). Flowing with the above thought, therefore, Section 4 of the Constitution of Federal Republic of Nigeria (CFRN) (As Amended) provides and directs law making functions to the National Assembly of Nigeria, composed of the Senate and the House of Representatives. In the same vein, Section 5 grants the Executive powers on the President and his Council of Ministers and other Departments and Agencies, the judicial powers were vested in Courts as provided for in Section 6 (FGN, 1999). Section 47 of the 1999 Constitution establishes the National Assembly which shall consist of the Senate and House of Representatives (FGN,

1999, Sec.4) while section 62 guarantees the establishment of the Committees of the National Assembly as follows:The Senate or the House of Representative may appoint a committee of its members for such special or general purpose as in its opinion would be better regulated and managed by means of such a committee, and may by resolution, regulation or otherwise, as it thinks fit, delegate any of its functions exercisable by it to any such committee.

Importantly, Order 98 of the Standing Rules of the Senate 2003 and Order XIV of the Rules of the House of Representatives 2003 establishes Committees to manage the affairs of the National Assembly (National Assembly of Nigeria, 2003). While the Senate had about 34 Standing Committees, the House of Representatives had 46 Standing Committees. In each of these Chambers, Standing Committees were created for Foreign Affairs. Thus, Order 98 (16) of the Standing Rules of the Senate 2003 outlines the functions of the Committee on Foreign Affairs as follows:

(a) There shall be a committee to be known as committee on Foreign Affairs appointed at the commencement of the life of the Senate. The jurisdiction of the committee shall include:
(b) Relations of the Federal Republic of Nigeria with foreign nations generally;
(c) Foreign loan
(d) International conferences and congresses;
(e) Measures relating to diplomatic services;
(f) Intervention abroad and declaration of war;
(g) Neutrality;
(h) Protection of Nigerian citizens abroad and expatriation;
(i) Measures relating to international economic policy;
(j) Trading with friendly nations;
(k) Measures to foster commercial intercourse with foreign nations and economic/geographical grouping to safeguard Nigeria's business abroad;
(l) International commodity agreements for co-operation;
(m) Pilgrimage;
(n) Repatriation of destitute Nigerians;
(o) Technical Assistant to foreign countries;
(p) Extradition;
(q) Repatriation;
(r) Annual Budget estimates.
(National Assembly of Nigeria, 2003, pp. 85-86).

Similarly Order XIV, (B) (16) of the Rules of the House of Representative establishes committee on Foreign Policy and outlines twenty-one items which form the scope of activities of the committee. Egobueze & Okpokri (2019) opined that a Committee is a group of people appointed for a specific function by a larger group and basically consisting of members of that group. Thus, a committee is a part of the larger group appointed to perform a specialized service one time or on a continuous basis. Legislative committees are saddled with studying policies and programmes and reporting its findings and appropriate recommendation to the general House for deliberation. Committees no doubt are the backbone and indeed heartbeat of the Legislature. No wonder why oversight functions of the Legislature are most often achieved through the use of committees. Accordingly, oversight function involves monitoring the activities of the executive to ensure that they are carried out legally, efficiently and according to the Legislative intents. It is not surprising, that the Executives arm of government at all levels of governance in Nigeria are

not ready and willing to partner with the Legislature in this regards. It is an instrument of ensuring accountability and transparency in government. Oversight is the third major function of the legislature. Sections 88 and 89 guarantee the National Assembly the power to conduct investigations as well to obtain evidence. Through these sections, the Senate or House of Representatives could summon anybody to appear before it or its committee(s) to make representations on issues they are investigating. Similarly, Section 67 (2) of the Constitution states: "a minister of the Government of the Federation shall attend either House of the National Assembly if invited to explain to the House the conduct of his Ministry, and in particular when the affairs of the Ministry are under discussion" (FGN, 1999).

The Constitution of the Federal Republic of Nigeria, 1999 (As Amended) sets the standards for the National Assembly to be actively involved in Nigeria's foreign policy. The constitution achieved this through the provisions for confirmation of Ambassadorial nominees, ratification of treaties, and appropriation of funds as well as screening of Ministerial nominees, which to a large extent includes the Minister of Foreign Affairs. (Sections 171[4], 12, 80, 81 and 147 [2])(FRN, 1999). The essence of a Constitution, especially in a Federal State is to guarantee order and ensure a purposeful horizontal and vertical distribution of power. International IDEA (2014) observed that the vast majority of contemporary constitutions describe the basic principles of the state, the structures and processes of government and the fundamental rights of citizens in a higher law that cannot be unilaterally changed by an ordinary Legislative Act. This higher law is usually referred to as a Constitution.

## Existential issues in Legislative-Executive relations and Nigeria's Foreign Policy

### *Treaty making and implementation*

Treaties are significant sources of law. Through hundreds of agreement reached between actors in international politics after months of negotiations down government corridors and through diplomatic channels, new legal rules on subjects as diverse as defense, criminal law, trade and investment, human rights, the environment is adopted that would in many cases generate new domestic rules and policies. Once ratified, these treaty obligations are binding under international law, and while it has become trite to States that treaty rules do not evoke the spirit of the law without the passage of domestic legislation, it is clear that treaty's legal character puts pressure on States domestic institutions to take steps to ensure compliance. This pressure also extends to courts, through interpretation of rules in order to ensure compliance. As international law grows in importance and gradually encroaches on areas of routine public policy, it becomes increasingly important that treaty norms be accepted widely and be perceived as legitimate by government officials, business leaders, interest groups, and other actors (Struett, 2009).

Different constitutional practices regarding treaty ratification vary in the extent to which they can perform the theoretical necessary political role of legitimating norms embodied in international treaties. Thus, what we attempt to call into question at this juncture is, to what extent do elected legislative officials have a meaningful role in discussing and choosing whether or not to ratify international treaties? Studies have shown that democratic governments provide veritable avenue for transparency in treaty ratification than authoritarianism and military dictatorship because a wide level of consultation as well as deliberation of the subject is required before treaties are ratified in a democratic government than an authoritarian government where a Head of State may through his whims and caprices decide to go into bilateral or multilateral agreement with other nations or international bodies with reckless abandon. It is important for

members of the National Assembly when deliberating Nigeria's foreign policy to know that multilateral or bilateral agreements play a central role; although the executive through the Ministry of Foreign Affairs normally leads the process of negotiation, the National Assembly also play a crucial role (Dunmoye, Njoku & Alubo, 2007). Between 1999 and 2007, Nigeria entered into many bilateral and multilateral treaties. Treaties and conventions ratified by the National Assembly between 1999 and 2007 is attached as *Annexure1*.

Besides the eleven treaties and conventions ratified by the National Assembly within the period under review, some other treaties and conventions were in the Upper Chamber of the National Assembly for ratification. Some of which were:

* Treaty on the UN Convention against Transnational Organized Crime.
* Treaty on the African Economic Community relating to the PAN African Parliament Protocol.
* Treaty on the Protocol to amend the International Convention on Fund for Oil Pollution Damage, 1969.
* Treaty on the Prohibition of the Damage, Production, Stockpiling and use of Chemical Weapons and on their Destruction.

Further to the above, the National Assembly ratified about sixteen bilateral treaties on the Reciprocal Promotion and Protection of Investments. These treaties are presented as annexure 2.

A study of Table I reveal that about eleven treaties were ratified by the National Assembly from 1999 – 2007. This number is insignificant when compared to treaties that the nation went into within the period of military dictatorship: 1983 – 1999. Many bilateral and multilateral agreements were entered into, yet these agreements or treaties have not been ratified by the National Assembly. The cause of this may be the lack of effective consultation between the Executive and the Legislature, which is heightened in the politics of appropriation. Consequent upon the above, therefore, there is either outright refusal or undue delay of the Legislature to ratify treaties and refusal or delay of the National Assembly to appropriate funds for the implementation of the treaty. The effect of the above, therefore is such treaties may not evoke the true spirit of the law, except they have been ratified by the National Assembly.

Our survey also reveals that the Executive may not have laid before the National Assembly all the treaties they entered into. Many treaties may have been signed quietly without the involvement of the Legislature. A case in point is the "Green Tree Agreement" of 12$^{th}$ June, 2006 which ceded Bakassi from Nigeria to Cameroon. Egeran (2015) observed that “the border between Nigeria and Cameroon over the Bakassi Peninsula and Lake Chad areas has been disputed for decades (p. 200).Bakassi juts into the gulf of Guinea, an area richly endowed with the 'black gold' – oil. Thus, as opined by Idis and Idise (1996 in Egeran, 2015) “the Peninsula is a substantial fish deposit, as is located in an area of 1,000 square kilometers of the mangrove swamp and half submerged islands protruding into the Bight of Bonny (previously known as the Bight of Biafra) (p.200)”. Most of its inhabitants are Ibibio, Ijaw and Efik-speaking people (Idise and Idisi, 1996: 158). The Peninsula consists of a number of low-lying mangrove covered Island typical of the Niger Delta’s difficult terrain. The population is put between 150,000 to 300,000 people, and the people are predominantly Efik.

They are used to marine life, thus, because of their fertile fishing ground, most of the population make their living through fishing. The International Court of Justice (ICJ) Ruling of

10th October, 2002 at Hague gave Cameroon full sovereignty over Bakassi; hence, on 13th June, 2006, Presidents Olusegun Obasanjo and Paul Biya resolved the dispute in a talk led by the UN Secretary General, Kofi Annan in Green Tree City of New York. Nigeria began to withdraw its military, comprising some 3000 troops on 1st August, 2006. "On 22nd November, 2007, the Nigerian Senate rejected the transfer, since the Green Tree Agreement ceding the area to Cameroon was contrary to Section 12(1) of the 1999 Constitution (Terry, 2003, p. 212)" hence, it is unconstitutional, nullity and illegal. However, the Executive recklessly violated both the Judiciary and the Legislative initiatives and went ahead with the handover exercise, this tantamount to the violation of the spirit of separation of power and the doctrine of checks and balances. The territory was formally transferred to Cameroon on August 14, 2008.

In assessing the relationship between the Presidency and the National Assembly in treaty making therefore, the Green Tree Agreement on the Handover of Bakassi, a territory in Nigeria to Cameroon is a sharp departure from traditional norms. It speaks volumes on the relationship that exist between the Legislature and the Executive. When viewed in the background that a treaty is an agreement; therefore the Bakassi case is a bilateral agreement. Consequently, the Presidency would have involved the National Assembly in the ratification of the agreement as is the case in some other agreements or protocol Nigeria entered into. The right of the National Assembly as provided in Section 12 of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended) was not only violated but infracted upon. Besides the National Assembly, a majoritarian vote of the Houses of Assembly of States is required before the assent of the President.

Table two reveals that Nigeria's National Assembly ratified sixteen bilateral investment treaties within the period under review. A critical analysis of the agreements shows that fourteen out of the sixteen treaties were ratified in 2002, while the remaining two were ratified in 2003 and 2004 respectively. Nigeria and Turkey agreement was contrived on October 8, 1996, while Nigeria and Netherlands on November 2, 1999. One of these agreements for instance predated Nigeria's political experiment from 1999 to date, and therefore collaborates our analysis in Table One of the insincerity of the Presidency and indeed the Executive in the presentation of all treaties signed with friendly nations to the National Assembly for ratification. Contributing to the above school of thought, Dunmoyo, Njoku & Alubo (1997) contended that:

> As a matter of principle, in a democracy the Executive cannot conclude secret treaties or bilateral agreements without the knowledge and consent of the legislature. International agreements that affect the sovereignty, the territory and the international status of the country should most certainly be subject to legislative debate and approval (p.121).

The views of authors above is germane, because the core function of the Executive arm of government of any State is the implementation of Law. Treaties have the powers of laws, and must be treated in same principle.

*Ambiguity in appropriation power*

Prior to May 1999, Nigeria had fifteen years of uninterrupted military dictatorship; this period was very gloomy in the annals of the nation. In the same era, the nation which was previously celebrated as the foremost African State and indeed the largest black nation in the world fell into precipice; the pit of infamy, especially between 1989 and 1998 – the later

Babangida and Abacha eras. This was due to the combination of domestic and external condition of the nation as well as the personal idiosyncrasies of the different military rulers at the helm of affairs; which occasioned policy shifts, twists and turns. In the end, the country became a pariah in the comity of nations. A number of factors necessitated this image, prominent among these has been the democratic trauma which Babangida and Abacha maradonically managed with insincerity; and desire to continue to sit tight in power. Also, the reckless and corrupt management of the economy, reduced Nigeria's rating among twenty poorest Nations in the world. There is expected to be affluence occasioned by numerous national deposits and endowment, yet, affliction has beclouded the State due to poor management the resources and corruption. The consternation of the citizens and the outside world with this reading, despite the affluence due to the rich mineral profile of the country, have manifested in the image problem which the State relentlessly fought to shape between 1999 – 2007.

Oyovbaire, (2007) observed that "the return of democracy in 1999 signified the return of the Legislature into the political reckoning as the Legislature was fused into or encapsulated by the Executive under military dictatorship. Law making and implementation were undistinguishable and the doctrine of separation of powers was a non-matter of importance (p. 165)." The new Nigeria in a democracy was led by President Olusegun Obasanjo; Obasanjo as a former Head of State had a lot of understanding and experience in international relations. He had a background of an activist foreign policy which most foreign policy analyst have associated with his first coming (Akinyemi, 1983, p. 9)." The image management strategy adopted by the democratic Nigeria entailed addressing both domestic and external issues that necessitated the negative environment in the first instance. To achieve this, enormous resources in terms of funds and human were required. Here lies therefore the essence of Legislative/Executive collaboration which in the main would guarantee good governance, especially through prudent and transparent allocation of resources to various sectors of the economy. The budgeting process therefore is the key for the translation of the vision of the Executive into reality. The Legislature remains the clearing house for the appropriation of funds to the various institutions and agencies of government.

Appropriation Bill is a legislative instrument for granting of money for specific purpose and specifying payments out of designated revenues. "Appropriation Bill is the basis of the Executives plans for running of government within the relative fiscal year (Handbook of the National Assembly, 2007, p. 119)." It is therefore a [proposal] formal action by the legislature such as the National Assembly or a House of Assembly of a State and even the Local Government Legislative Council that specifies the exact amounts of the government's money that the treasury may legally pay out through new hiring, contracts for purchases, funding of individual eligibility for income transfer payment etc. for each of a list of particular pre-authorized programme carried out by governmental agencies over a specific period of time (normally one year). Such a proposal originates from the President, Governor and in Nigeria's third tier system, the Local Government Chairman who are the Chief Executive Officers of their respective tiers of administration and forwarding same to the Presiding Officers of the Legislature for deliberation by the Chamber(s).

Appropriation Bill is expected to be enacted into an Act before the commencement of a fiscal year to which it apply, but this has not really happened in Nigeria. However, realizing this lacuna, the 1999 Constitution provides an interim remedy – vide section 80 for National Assembly and 122 in respect of the State Houses of Assembly. The 1999 Constitution sets the

legal tone for the interaction between the Executive and the Legislature in the budgetary process (Aiyede & Isumonah, 2002, p. 10). Chapter V Part II Section 80 – 83 provides the procedure for approval of expenditure from the public purse. This shows that the 1999 Constitution envisions a budget process. Section 81(1) of the Constitution gives the responsibility to the Executive, however, Section 80 (4) suggests that the Executive cannot discountenance the input of the Legislature. This is emphasized in the clause "except in the manner prescribed by the National Assembly" (FNG, 1999 Constitution). The Legislature must consider the Executive's budget and the Appropriation Bill passed before any money can be withdrawn from the constitutionally established funds and accounts to run the government.

The budgeting process is not only peculiar to domestic issues but also foreign affairs. Enormous resources have been appropriated by the National Assembly to the Ministry of Foreign Affairs and its agencies within the period under review. The aim is to lift the Nation forward and jump start the process of reintegration of Nigeria into a position of reckon, set the Nation high in a right pedestal and elevate her into the enviable height she once occupied in the comity of nations. Annexure 3 provides us with some details of the Appropriation Act from 1999 to 2007. A close examination of the table above reveals that the appropriation to Ministry of Foreign Affairs and its agencies have been incremental especially from 2003 to 2007. In 2005, about the total sum of N17,180,004,353 was appropriated, while in 2007 about N40,722,346,371 was appropriated for the services of the Ministry and its agencies. This is over 100% of what was appropriated for 2005. Similarly, recurrent matters received more appropriation than capital. This is because the external missions could not honour their national obligations.

Consequently, from an appropriation of N14, 422,571,561 in 2004 for recurrent expenditure, the figure increased to N25, 061,379,329 in 2005 because the Ministry needed to clear the debts and arrears owed by the Foreign Missions. Obasanjo (2005) states, inter alia: another significant achievement of the 2005 budget is the clearance of all our debts and arrears owed by the Foreign Missions to the tune of Six Billion Naira (N6, 000,000,000). This has brought dignity back to our foreign missions abroad. The above amount was a pile up of unpaid contributions to International Organizations and Institutions in which Nigeria has a protocol agreement with. Consequently, from 2005 through 2007, Nigeria consistently honoured her national obligations. In 2006 therefore, the sum of N1, 770, 8116,365 was appropriated for the servicing of these obligations while in 2007, the sum of N1, 536,137,258 was appropriated for similar services. Also, allocations were made to the Technical Aid Corps as well as renovation of most of our Foreign Missions.

While appropriating, the Committee on Foreign Affair of any of the Chambers of the National Assembly just like other Committees of the House could disallow, juggle or increase a proposal from the Executive and recommend same to the House for consideration and eventual passage. The implication of this therefore is the National Assembly holds the key for policy direction of the Nation; this is achieved through reasonable appropriation of funds to Ministries and Agencies of Government. The powers of the Legislature with regards to budget are unrestricted. Citing the powers of the Congress of United States of America, (Patterson, 1999) writes: "although the Congress does not have the capacity to initiate the budget, it can have a decisive influence on the final version … Congress can contest the President's priorities and establish priorities of its own, but it needs the President's budget recommendations as a place to begin its work (p.363)." At the Sub – national level, the Legislature is so powerful that it can

remove people from office by refusing to appropriate money for the position they occupy" (Peters, 1995, p. 304).

It is important to state that the greatest challenge of budgeting is the implementation of the Appropriation Act. (Onwuamaeze, 2009) observes that the growing prapctice of the late passage of the national annual budget and its poor implementation is giving industrialists and finance experts anxious moments. Late passage and poor implementation of the national budgets are gradually becoming acceptable norms in the management of the Federal Government of Nigeria's fiscal policy. The trend started in 2000 continued through the duration of our case study and beyond. (Onwuamaeze, 2009) further contends that the consequence was that less than 30% of the 2000 budget was implemented. Federal Government figures show that the level of budget implementation was as low as 36% in 2003 (Nwanma, 2007). In the first term of President Obasanjo, he barely implemented the budget as passed by the National Assembly. A Spokesman of the Nigeria Labour Congress (NLC) and Trade Union Congress (TUC), Lakemfa bared his mind on this as he observes: "under the previous government, we know that in some cases money budgeted was not released and when released, it was not spent" (Lekemfa). The release of the sum of N1, 612,909,962 for capital projects in 2001 for the Ministry of Foreign Affairs and its agencies instead of the over N3, 000,000,000 as appropriated collaborates the statement of Lekemfa above. In fact, budget 2002, passed on March 26, 2002, nearly five months after presentation and three months into the fiscal year, has suffered the worst delay because of the confrontation between the executive and Legislative branches (The Vanguard, March 27:2002).

It is significant to observe that the National Assembly did not employ a post appropriation control in the management of the appropriation process from 1999 – 2007. The Legislature colluded with the Executive to further entrench corruption and mismanage the economy of Nigeria. Oversight powers of the National Assembly are worthy of note at this juncture. Oversight over the appropriation Act includes studying of the Auditor-General's report of the previous year's appropriation before the appropriation for the new financial year; this makes the legislature a watchdog over public funds. Section 85(1) of the 1999 Constitution creates the office of the Auditor-General of the Federation (AGoF) that is charged with the responsibility of auditing the public account of the Federation and reporting findings to the Legislature. TheAGoFis empowered by law to have access to all books, records and other documents relating to the account. The Legislature in advanced countries performs a critical task of surveillance in the Appropriation cycle. The National Assembly's handling of the budget during the period under review fell far below the mark especially in the period between 1999 and 2003. Though, it could be said that the subsequent budgetary appropriation witnessed an improved oversight of the National Assembly, especially, the Committee hearings and defense of Heads of expenditure by Ministries, Departments and Agencies (MDA**s)** of government which includes Ministry of Foreign Affairs and its Foreign Missions.

## Concluding Remarks

In conclusion, while we score the Executive low in budgetary matters, especially, the subversion of the Appropriation Act through the non-implementation of the Act and undue virement, we equally hold the National Assembly liable for not performing effectively its oversight as would have been the case. Democracy as a form of government emphasizes the logic of the nationality of dialogue, debate, choice and consensus over the funds and policies in the pursuit of the

fulfillment of the needs of the citizens. Legislative oversight is considered a paramount duty in the promotion of public interest, which is the primary role of the State. The attitude of both the Legislature and the Executive fell below the modicle of good governance, which emphasizes accountability and transparency. The appropriation process within the period under review greatly enhanced Nigeria's Foreign Policy. Nigeria, which was a pariah before the period became a powerful force in the comity of nations. The State got admitted back into the Commonwealth of Nations which she was suspended from. Also, Nigeria bounched back as a key player in G77, a champion in the transfer of Organization of African Unity (OAU) to African Union (AU) and the formation New Partnership for African Development (NEPAD) and more importantly, a strong force in peace keeping across the globe. All these were made possible by good appropriation of funds to Ministries and Departments, especially, the Ministry of Foreign Affairs and its Foreign Missions.

## Recommendations

From the analysis and conclusion of the study, the following recommendations are made:

1. Both the Legislature and the Executive should employ the principle of best practice in governance; this involves the use of the Internal Auditors as a form of internal control by these arms of government.
2. The Accountant General of the Federation must make its report available to the Auditor General of the Federation early enough. The AGoF must have the will power to scrutinize the report before it and investigate the MDs especially the Ministry of Foreign Affairs and its Agencies to ensure that the funds appropriated are judiciously spent.
3. The Executive should ensure that it releases funds appropriated to the MDs by the Legislature in the fiscal year; all efforts should be made to achieve budget realism in every fiscal year.
4. Corruption has been a major challenge to Nigeria, and this has great impact on our national development. It is hereby recommended that anti –corruptions agencies in Nigeria should be bold enough to check the financial rascality of public officers.
5. The spirit of Section 12 of the Constitution of Federal Republic of Nigeria, 1999 (As Amended) should be invoked in treaty making. The Executive should not initiate and conclude the treaty cycle, both the National Assembly and Houses of Assembly of the Sub-national government should be involved in the process as contained in Nigeria's Constitution.

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**Annexures**

**Table I: Treaties/Conventions Ratified by the National Assembly, 1999 – 2007**

| SN | TREATY/CONVENTION | YEAR OF PASSAGE |
|---|---|---|
| **1** | Treaty on the African Union | 17th December, 2003 |
| **2** | Treaty on Mutual Legal Assistance | 3rd October, 2003 |
| **3** | Treaty on Extradition | 13th October, 2004 |
| **4** | Convention for the Safety of life at the Sea | 2nd June, 2004 |
| **5** | UN Convention on the Carriage of Goods by Sea | 18th December, 2004 |
| **6** | Nigeria-SaoTome Treaty on the Joint Development of Petroleum and other resources in areas of Exclusive Economic Zone | 27th January, 2005 |
| **7** | Treaty on the Prohibition of the Rotterdam Convention on Hazardous Chemicals and Pesticides in International Trade | 17th May, 2005 |

| | | |
|---|---|---|
| **8** | Treaty on the Rome Status of the International Criminal Court | 19th May, 2005 |
| **9** | Convention on the establishment of Fund for Compensation of Oil Pollution damage | 25th May, 2005 |
| **10** | Treaty on the International Convention of Civil Liberty for Oil Pollution Damage, 1971 | 25th May, 2005 |
| **11** | Treaty on the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment | 26th May, 2005 |

**Source***: Office of the Clerk, National Assembly of Nigeria, Abuja, 2009*

**Table II: Bilateral Treaties on the Reciprocal Promotion and Protection of Investments Concluded by Nigeria between 1999 and 2007.**

| S/No. | Parties | Date Ratified |
|---|---|---|
| 1. | Nigeria and Italy | December 31, 2002 |
| 2. | Nigeria and Netherlands | December 31, 2002 |
| 3. | Nigeria and Germany | December 28, 2002 |
| 4. | Nigeria and Egypt | June 20, 2002 |
| 5. | Nigeria and United Kingdom | December 11, 2002 |
| 6. | Nigeria and Swiss Federal Council | December 31, 2002 |
| 7. | Nigeria and Korea | December 31, 2002 |
| 8. | Nigeria and Bulgaria | December 31, 2002 |
| 9. | Nigeria and France | December 31, 2002 |
| 10. | Nigeria and South Africa | December 31, 2002 |
| 11. | Nigeria and Turkey | December 31, 2002 |
| 12. | Nigeria and China | December 31, 2002 |
| 13. | Nigeria and South Korea | December 31, 2002 |
| 14. | Nigeria and Romania | December 31, 2002 |
| 15. | Nigeria and Algeria | December 19, 2003 |
| 16. | Nigeria and Niger | February 3, 2004 |

**Source***: Office of the Clerk, National Assembly of Nigeria, Abuja, 2009*

**Appropriation act 1999 – 2007**

| S/No/ | Year | Approved Capital | Approved Recurrent | Total |
|---|---|---|---|---|
| 1. | 1999 | 1,100,000,000 | 13,538,763,695 | 14,538,763,695 |

| | | | | |
|---|---|---|---|---|
| 2. | 2000 | 3,022,749,750 | Not Available | |
| 3. | 2001 | 3,030,000,000 | Not Available | |
| 4. | 2002 | 3,049,055,437 | 13,304,207,440 | 16,353,262,877 |
| 5. | 2003 | 2,854,000,000 | 14,326,004,353 | 17,180,004,353 |
| 6. | 2004 | 3,000,000,000 | 14,422,571,561 | 17,422,571,561 |
| 7. | 2005 | 3,502,902,000 | 25,061,379,329 | 28,564,281,329 |
| 8. | 2006 | 6,126,873,766 | 25,373,344,499 | 31,500,213,265 |
| 9. | 2007 | 10,968,848,132 | 29,753,498,239 | 40,722,346,371 |
| | Total | 35,327,330,047 | | |

**Source***: Office of the Clerk, National Assembly of Nigeria, Abuja, 2009*