

The Role of National Assembly in Formulating Nigeria's Foreign Policy (2015-2019)

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Abstract

This paper examined the role of National Assembly in formulating Nigeria's foreign policy. The purpose of formulating a nation's foreign policy is to promote and preserve its national interests. Foreign policy when not properly formulated could be detrimental to a nation. It is pertinent that foreign policy decisions of a country are not dominated by the executive. The objective of this paper was to examine the roles of the National Assembly in making Nigeria's foreign policies from 2015 to 2019. This study used the historical research design for a systematic analysis of institutional roles. The qualitative method of data analysis was adopted. This study ascertained that the legislature performed their role in foreign policy formulation, but it was not totally independent of the executive and could not properly discharge its authority to formulate foreign policies. The study recommended that there should be respect for legal competences between both arms for the formulation of beneficial foreign policies.

Keywords

Constitution, Executive, Foreign Policy, National Assembly, Nigeria

1. Introduction

Foreign policy is central to a country's interactions with other states in the global system. Foreign policy is a means through which a state's interests and conditions for relating with other countries are spelt out. Every country in the international system has objectives and goals which it aims to achieve through its relations with other states. The principles of a state's foreign policy are announced to enable other states understand its perceptions and intentions so that relationships can be established (Osondu-Oti & Tolu, 2016). In international politics,

foreign policies are like documents with the interest of a nation which show areas for collaborations and non-collaborations. It shows the ways through which a state is interested in applying its powers effectively. The purpose of formulating a nation's foreign policy is to promote and preserve its national interests in its relations either bilateral or multilateral, with other nations. It shows clearly the way a country perceives itself, its aspirations and also it reflects the nation's traditional principles (Ahmed, 2020).

The interdependence of states in the global system is inevitable. In one way or another states need other states to achieve their desires, hence no country can stay isolated. It thus becomes a necessity of states to frame their foreign policy (Ahmed, 2020). Nigeria as a sovereign state has engaged in external relations since it gained independence, and the conduct of Nigeria's foreign policy began in 1960 with the then prime minister, late Sir Tafewa Balewa. The methods of framing its foreign policy have not been consensual since it became a sovereign nation, as a result of the changes in system of government. Nigeria experienced changes from civilian government to military regimes that seemed unending. Foreign policy under the military system of rule was authoritatively shaped by heads of states, since the structures operated on command, which is a major feature of military rule (Adewumi & Babajide, 2021).

However, since Nigeria's return to civil rule in 1999, the procedures and institutions for foreign policy-making have changed (Oni, Olarenwaju, & Deinde-Adedeji, 2019). The 1999 Constitution of the Federal Republic of Nigeria (CFRN) as amended, made provisions for the creation of several structures and institutions of the state that play roles in the making of Nigeria's foreign policy. One of such institutions is the National Assembly. The National Assembly is the arm of government with vested power to enact, improve and revoke laws for a state or nation. The legislature carries out three basic functions which are law-making, representation and oversight (Nwogwugwu & Ishola, 2019). The oversight function allows it to check the actions of the executive, so the executive does not abuse its power and possibly limit any action of the executive that will have consequences on the nation. Section 88 of the 1999 Nigerian Constitution, gives the National Assembly the right to exercise a legislative oversight on all executive areas of administration. Thus, it subjects the actions of the executive to the scrutiny or approval of the legislature (Nwogwugwu & Ishola, 2019).

Foreign policy is so important to a nation, that the policies and actions of a nation externally affect such nation internally either in a positive or negative light, as Nigeria had experienced in the past. What then is the role of National Assembly in foreign policy formulation? According to Osondu-Oti and Tolu (2016) it is of no doubt that the sphere of foreign policy formulation and implementation is reserved for the executive in Nigeria; nevertheless, the National Assembly holds significant powers as given by the constitution over foreign policy issues. As observed by Arowosegbe and Akomolafe (2016) the National Assembly exercises its foreign policy making powers through several legislations

that have implications for foreign relations, which involve treaty implementation, approving appointments made by the president, public finance control, among others.

However, even with such changes, foreign policy making has remained an exclusive responsibility of the executive, as it is being dictated by the executives, personified by the president as it was in the military era, with little or no input from the legislature. The National Assembly is not fully utilising its powers over foreign relations. This corroborates the increasing debate on the place of the National Assembly in framing the foreign policies of Nigeria. The logical question becomes: To what extent does the National Assembly carry out its roles in formulating foreign policies? What are the challenges of the National Assembly in formulating foreign policies? It is these issues that this paper examines. This study aims to identify the constitutional basis on which the National Assembly can play a role in making foreign policy; and assess the extent to which the National Assembly carried out its roles in formulating foreign policy, with specific reference to the 8th National Assembly, which was in office from 2015 to 2019.

This study is structured in the following sequence: literature review, theoretical framework, methodology, foreign policy powers of the National Assembly 2015 to 2019, challenges facing the National Assembly within this period in exercising its foreign relations power, and conclusion and recommendation.

2. The Legislature and Foreign Policy: Review of Literature

The legislature is one of the principal elements in a political system. The legislature according to [Prakash and Yoo \(2016\)](#) is any institution authorised to make laws and thus is an institution that makes laws. [Truex \(2014\)](#) opines that the legislature is the long-serving fundamental arm of a democratic system. They make policies by bringing together in setting, views that have contrasting and competing options in an attempt to introduce a reasonable compromise to make policies that affects the people they represent. Thus, legislatures are typical for democratic institutions. According to [Mcquade \(2021\)](#) legislatures are political bodies wherein individuals are elected as the people's representatives to interact with themselves in accordance with specific modes, in order to produce updated legislations. The purpose of enacting legislations is for the benefit of the society. [Weis \(2020\)](#) opines that the legislature does not have an institutional role but rather a constitutional office. According to him, "constitutional office" involves the delegation of constitutional powers to exercise authority for specific constitutional purposes. Thus the "legislative office" is far beyond the powers the constitution has vested the legislature, its key concern is the conduct of the legislature as it relates to such powers and manner the legislature exercises such powers.

Legislature has an inherent advantage in cultivating a legitimate government by the services they provide to citizens ([Sanborn, 2019](#)). The legislature carries out four key functions all over the world: representation, lawmaking, budgeting, and oversight ([Mustafa & Sharifov, 2018](#)). It is the collective voice of the people

it represents in the government, enacts laws to ensure good governance, ensures a secure treasury by its appropriation of funds for the government to run its business, and carries out functions of overseeing the actions of the executive in order prevent tendencies of tyranny (Dogara, 2016). Beyond these, legislatures in every country perform some other functions the constitution of its country confers on it. These crucial functions make the legislature indispensable in a democratic system (Hassan & Adebola, 2020). Muhammad (2019) in a similar vein observed that aside from making laws for democracy, representation and oversight are other functions of the legislature. Thus, the legislature is indeed a principal and influential arm of government that determines the policies that concerns the executive arm of government. It therefore implies that as the arm of government responsible for making policies, the legislature is in no doubt involved in the foreign policy making.

Foreign relations policy is the policy that governs states in their relations with one another. Foreign policies according to Amadi (2016) are the guidelines, methods and strategies that nation-states use in carrying out their interests in the global arena. Foreign policy is that set of principles and programmes that direct the actions of sovereign states in their relations in the international system, usually with the aim of influencing the actions of other sovereign states. Offor, Nwankwo and Elechi (2019) opine that foreign policy is the entirety of all decisions, actions or interactions amongst actors in the international system on grounds of procuring political, economic or socio-cultural cooperation. They argue that foreign policy is the international goals of a country and the strategies it uses to attain such goals in its interaction with other countries of the world. Likewise, Bojang (2018) argued that the basic element conceived into a course of action in attaining and preserving the goals and interests of a state is foreign policy.

According to Ahmed (2020) foreign policy though is intended to achieve several categories of objectives of states; nonetheless, the commonly pursued objectives by all includes; the prestige of the nation, preservation of territorial integrity and political independence and the economic well-being of the country. Every country's foreign policy comprises of certain principles that shape the way and manner its interests are advanced abroad (Osondu-Oti & Tolu, 2016). It is therefore a means to an end: The means being the strength, and ability of a state to secure its national interest, which is the end (Ahmed, 2020).

Hence this study seeks to examine the criticality of such law making roles of the National Assembly on foreign policies from 2015 to 2019. This study will also examine the challenges of the National Assembly in carrying out such roles, as it has not been addressed in existing literature.

3. Theoretical Framework

This study adopts the principal agent theory to explain the relationship between the legislature and the executive. This theory was propounded by Michael Spence and Richard Zeckhauser in 1971. It emerged as a theory of economics

where it was used for institutional analysis. Further investigation has shown that the theory can be applied to public administration, political science and international relations for institutional analysis. The principal here is the legislature and the agent is the executive. The principal agent theory describes the balance of power and control between both arms of government. The principal agent theory posits that the principal actor (legislature) uses available logical actions, to shape the actions the agent (executive) will take and ultimately such actions of the executive will lead to decisions approved by the legislature (Nwogwugwu & Ishola, 2019). The central assumption of the theory is that the executive usually have different interests from the legislature on foreign relations issues that concern both arms. This is the usually the case notwithstanding that they are both committed to enhancing the nation's interest, because the executive can be international minded and easily yield to international pressures from other countries executives, while the legislature takes the nationalistic stance. It is therefore understood that the legislature will ensure that the foreign policies are in line with domestic interests and to the benefit of the country. Hence the legislature can make policies that will affect the incentives of the executive in taking any foreign policy actions.

4. Methodology

The study is purely qualitative and thus descriptive in nature. It adopts the qualitative method of data collection. This study is explanatory as it tries to analyse different literatures which were examined as relevant to the problem study. The historical research design is adopted for this study. This is because it is constructed for a systematic inquiry by library and online based research into experiences, developments and events that are past. This involves an institutional analysis, and a systematic description of the nature and competences of the National Assembly as an institution in the formulation of Nigerian foreign policy, drawing from the Nigerian constitution.

Data were collected for this study from secondary sources. The tools used for the collection and analysis of data include books, journal articles, conference papers, publications, internet sources and new channels. Data were collated, described and analyzed using descriptive discourse method. The information obtained was analysed on the basis of the issues problematised in the background of study.

5. Foreign Policy Making Powers of the National Assembly

Obidimma and Obidimma (2015) explain that the National Assembly consists of two houses, the Senate and the House of Representatives. The National Assembly performs crucial roles in making policies on Nigeria's foreign relations, through the powers it derives from the Nigerian constitution. The Nigerian constitution although does not explicitly spell out the National Assembly's functions in the operation of nation's foreign policy, the National Assembly as a legislative

arm of government has several roles to play as its legislative powers can influence the foreign policy of the nation in some ways. The 1999 constitution as amended asserts in Section II, the legislative authority accorded to the National Assembly, and they are in three fold; legislative or law making power, budget approval power, and democratic function of oversight (Osondu-Oti & Tolu, 2016).

The law making powers are simply the authority of the National Assembly to enact laws for the nation. Section 4 of the amended 1999 Nigerian constitution vests powers on the National Assembly to formulate laws for the peace, order, and good governance of the Federation or any section of it relating to any matter on the Exclusive Legislative List.

The authority of the National Assembly also extends to the national purse. Sections 81 and 121 of the 1999 Nigerian Constitution has provisions that provides the National Assembly with the authority to scrutinize the budget that is submitted by the executive before it passes it into law as the Supplementary Appropriation Act or Annual Appropriation Act. Section 80, of the 1999 constitution stipulates that this is done to prevent money from being taken from the Consolidated Revenue Fund or any other federation public fund unless to attend to expenditures recognized by the constitution or authorized by the National Assembly through an appropriation act. It thus means that any funds sent for approval by the President, can be delayed or denied by the National assembly.

Furthermore, Section 88 of the 1999 Nigerian Constitution empowers the National Assembly to exercise a legislative oversight on all executive areas of administration. It gives the both houses of the National assembly the right to investigate issues with respect to which it has the right to make laws and also to investigate any authority or department and ministries of government that is responsible for administering or executing laws constituted by the National Assembly; and distributing funds either allocated or set to be appropriated by the National Assembly (Arowosegbe & Akomolafe, 2016). Both chambers of the National Assembly have special foreign relations affair committees as the constitution, under Section 88, states. These committees carry out oversight functions in the sense that they conduct public inquiry on foreign policy (Osondu-Oti & Tolu, 2016).

The purpose of exercising this power of oversight is so that laws can be made on issues that are within the competence of its legislation and also to correct any shortcomings in executing or administering laws that are within the scope of its legislative capacity and in the management of funds authorized by it. The depository for the entire legislative authority in the federal government is the National Assembly and this power extends to the exclusive as well as the concurrent legislative list as outlined in the Part I and II of the second schedule in the constitution, in addition to the legislative powers on certain matters it derives from the constitution. Hence, there are many legislations of the National assembly which have foreign policy connotations directly or indirectly, and as a result when they legislate on such, they formulate foreign policies. Such legislations in-

clude the implementation of treaties; approval of presidential appointments, parliamentary diplomacy, budget appropriation, and deployment of military troops.

5.1. Implementation of Treaties

A treaty is a document drafted on the guiding principles of international law between two or more states or international organisations. The treaties act describes a treaty as a binding act in international law between Nigeria and other states (Okeke & Anushiem, 2018). Treaties are a significant source of law and it has become an indispensable medium through which countries establish their foreign relations. Nigeria in an attempt to achieve its foreign policy pursuits since it gained independence, have signed many international treaties as a signatory to the 1969 Law of Treaties of Vienna Convention (Ngara, 2017). Usually, the process of treaty negotiation is led by the executive through the ministry of foreign affairs, however a significant role is played by the National assembly. The making of treaties is an essential constitutional area where the National Assembly engages in the formulation of foreign policy (Dunmoye, Njoku & Alubo, 2007). Until a treaty is incorporated specifically by the National Assembly through an enabling Act, it does not become a domestic law in Nigeria, according to Sections 12(1), (2), and (3) of the 1999 Constitution. It states thus:

No treaty between the federation and any other country shall have legal force unless and until it has been passed into law by the National Assembly. (2) The National Assembly may make laws for the Federation or any part of it on issues not included in the Exclusive Legislative list for the purpose of implementing a treaty; and (3) A bill for an Act of the National Assembly passed pursuant to the provisions of subsection (2) of this section shall not be enforced unless ratified by a majority of all the Houses of Assembly in the Federation (CFRN, 1999).

A significant point to consider is the operation of dualism in view of laws of treaties. The legal principle of dualism ensures that international and domestic laws are distinct. Thus while the sovereign states relations are regulated by international law, the domestic affairs of a country are regulated by municipal law (Crawford, 2012). The executive can carry out international negotiations and obligations without the approval of the National Assembly. However, the participation of the National Assembly in the implementation of treaties as an enabling Act, is to prevent the executive from abusing its authority. It acts as a safeguard, preventing the executive from exercising its authority to make treaties and bringing in domestic laws without passing through the required procedures of the legislature. Therefore, before the legal force can be given to the treaty in Nigeria, the National assembly must pass it into law. In so doing, it can or may make some changes to the treaty as it sees fit (Oni, Olarenwaju, & Deinde-Adedeji, 2019). The requirement of this by the constitution therefore means the National Assembly is an institution that cannot be left out in treaty making and imple-

mentation in Nigeria (Ngara, 2017).

5.2. Approval of Presidential Appointments

The National Assembly has a significant role to play in the appointment of members of the cabinet and other significant executives, particularly foreign ministers. It is noteworthy to state that aside from the foreign ambassadors and minister of foreign affairs, there are ministers whose ministry has a role to play in foreign relations. Ministries such as information and culture, sports, agriculture etc., hence appointments of ministers of the Federation of Nigeria by the president only become official if approved by the Senate (Nigerian Constitution, 1999, Section 147(2)). Therefore, all members of the cabinet and foreign relations ministers can only be appointed if the Senate approves. In the same manner, appointment of Ambassadors, High Commissioner and other foreign representatives of Nigeria overseas cannot be valid until ratified by the Senate (Nigerian Constitution, 1999, Section 171(4)). The normal routine is that the president nominates persons for both cabinet and foreign affairs and the names are sent to the Senate for screening. Such nominees are approved by the Senate when considered suitable and rejected when reverse is the case.

The twist now is that cases of the Senate rejecting nominees of the president are rare, this is because the presidency can get around objections the Senate raises. The 2015 August, Senate ministerial nominee deliberation is a reference point. Irrespective of the various blatant petitions and objections made against some candidates by a great number of Senate members, the presidency still had its way, in the end and all nominees of the president was approved (Arowosegbe & Akomolafe, 2016). On the 9th of June 2016, the 8th National assembly delayed the ambassadorial screening for career diplomats, it received from the president on the basis that the federal character principle was not reflected, as some states were omitted in drawing up the list (Abifarin, 2018). The Secretary to the federation's Government and the Minister of Affairs were summoned by the senate to explain the inconsistencies in the nomination. By the 22nd of June, 2016 the senate refused to approve the list of nominees and suspended the screening (Umoru & Erunke, 2016). After investigating the anomalies in the nomination process, the Senate on the 20th of July resolved to resume the screening process (Premium Times, 2016b).

In January 2017, another list of non-career diplomats was forwarded to the Senate for screening and confirmation. The Senate rejected the 82-year-old retired Justice, Sylvanus Nsofor on the basis that he did not perform well at the screening and that he was old and therefore not suitable for the duties of an envoy. However, he was re-nominated by the president in March and the Senate succumbed to the will of the president and confirmed his appointment on the 7th of June 2017 (Adebayo, 2017b). In 2019, all ministerial nominees which totaled 43 were approved by the Senate without objections. Only 23 were screened while 20 were asked to take a bow and leave (Channels TV, 2019).

5.3. Parliamentary Diplomacy

There are different patterns of parliamentary diplomacy. The first are parliamentary bilateral exchanges which are increasingly becoming important at the global system, where parliament members undertake diplomatic visit to the parliamentary members of a different country. This type of diplomacy takes the form of bilateral meetings or conferences (Mohammed & Ibrahim, 2018). The aim of such exchange could be either to increase their knowledge of legislative processes that's not obtainable in their country or to persuade parliamentarians on issue(s) that entail of both their interests and it could be simply a visit out of courtesy. The National Assembly members have engaged in such visits to the U.K parliament and the U.S Congress (Gberevbie & Oni, 2021).

5.4. Budget Control

The National Assembly wields considerable control over the nation's purse as stated previously. It then means that no funds can be spent on international issues without the authorization of the National Assembly. Also, the fact that the government must submit a budget containing information of income and expenditure as an Appropriation Bill before the legislature, means that the government cannot not borrow any foreign loan, without the approval of the National Assembly (Ngara & Dasat, 2020). Section 81(1) of the *Nigerian Constitution (1999)* states that:

The president shall prepare and lay before each House of the National Assembly at any point, estimates in each financial year of the income and expenditure of the Federation for the next financial year.

Loans of any sort either sourced internally or externally as anticipated by Section 81(1), are part of the "revenues" which must be stated in the budget proposal that will be placed before the National Assembly. Furthermore, the National Assembly has the express authority by legislation to control the Borrowing of moneys within or outside the country for any state or federation purposes (Item 7, Exclusive Legislative List, *Nigerian Constitution, 1999*). Since no policy can be executed by the government without money, it translates to mean that all foreign activities such as the expenses on the Ministry of Foreign Affairs and its departments; obtaining international loans; servicing international debts; the cost on the operation of peace keeping and international security operations etc., are all subject to the control of the National Assembly (Arowosegbe & Akomolafe, 2016).

The 2016 budget presented to the National Assembly by the president was modified by the house and sent back to the president. As a result, the President withheld his signature on the budget, and the document was returned back to the National assembly. He finally signed the Budget after the National Assembly reverted it back to His initial proposed budget (Premium Times, 2016a). In 2017, the 2018 annual budget proposal was presented by the president to the joint sit-

ting of the National Assembly on November 7, 2017, in an attempt to return to the one-year budget circle. However, the budget was not approved by the Assembly till May and signed by the president in June 2018 (Tukur, 2018). Also, the Presidency sought the National Assembly's approval to obtain loans from World Bank and China for infrastructural development earlier in August 2016. This request was rejected by the Senate (Adebayo, 2017a). The presidency again in 2017 reiterated this request and it was again rejected (Eboh, 2020).

5.5. Deployment of Military Troops and War Declaration

Notwithstanding the fact that the president is the commander-in-chief of the armed forces of the federation, the National Assembly has the legal backing to oversee the formation, command, and the practical usage of the armed forces through legislation (Sections 217 and 218, CFRN, 1999). According to Section 218(4):

The National Assembly shall have competence to establish legislation for the control of—(a) the powers that can be exercised by the president as Commander-in-Chief of the Armed Forces of the Federation.

The main duties of the Nigerian armed forces are to defend Nigeria against external aggressors, preserve its territory, and protect its boundaries from invasion by sea, land or air. Hence at any time it may become necessary for the armed forces to be used to prosecuting war against another country. To what degree may the president do this without the consent of the legislature? Section 5(4) of the 1999 Nigerian Constitution, states that the president may not declare a state of war between Nigeria and any other country unless the two houses of the National Assembly agree in a joint session (Arowosegbe & Akomolafe, 2016). Thus, the National Assembly has the authority to approve or reject military deployments overseas.

However, this was not the case with the deployment of Nigerian armed forces and military equipment to Gambia through Senegal, to force the Gambian President out of power in 2017. The president deployed troops to Gambia without seeking for the approval of the legislature. This act of the president was opposed by the Senate, which demanded to be properly informed by the presidency within a seven-day ultimatum (Abayomi, 2017). Hence, the president acted unconstitutionally, bypassing the National Assembly and denying the house its constitutional powers in making decisions on foreign relations.

6. Challenges Facing the National Assembly in Exercising Its Foreign Relations Power

As stated earlier, the National Assembly derives its foreign relations power from its constitutionally allocated authority and areas of legislation and such powers as it relates to foreign policy making are basically oversight powers. In other words, the role of the National Assembly in formulating foreign policies are

oversight roles, so as to prevent power misuse and keep the executive on check in its decisions that has significant bearing on the nation. However, there were obstructions and challenges the 8th National Assembly faced from 2015 to 2019 in carrying out these oversight duties. The challenges are discussed in this section.

Overbearing Interference of the Executive: It is the role of the legislature to keep the executive and by extension the presidency in check by performing its oversight duties in the several foreign policy powers as examined earlier in this study, however it seems to be going the other way round since the executive never relent until they achieve what they want. As observed in budgetary issues, the National Assembly in 2016 an attempt to reduce some government expenditures, was criticized by the presidency and had to revert its actions and let the president have his way (Premium Times, 2016b). This is contrary to the norm. Also in 2017, in the sphere of ambassadorial appointment, an 82-year-old nominee, retired Justice, Sylvanus Nsofor that was not considered fit for the position nominated for and thereby rejected by the National Assembly was re-nominated by the president and the legislature had to again agree and the president again had his way (Adebayo, 2017b). In this sense, what then is the purpose of oversight? It thus implies that since the presidency refused to be checked, the National Assembly had to rubber stamp on every proposal and appointments of the executive, for the purpose of administrative convenience. To quote Senator Rochas Okorocha, “since war between the executive and legislature has not yielded anything” he redefined the term “rubber stamp”, he called it “relaxing certain procedural approaches that tend to create a lot of bottlenecks” (Channels TV, 2019).

Disregard for the Authority of the Legislature by the Executive: The disregard for the legislature’s authority by the executive has always created a division between both arms of government. The executive sometimes takes actions alone that constitutionally call for the authorization of the National Assembly. An example was the deployment of Nigerian troops in 2017, for an intervention in Gambia without the knowledge and approval of the National Assembly (Abayomi, 2017). Also, there was a controversy over the appointment of the EFCC chairman, Ibrahim Magu in 2015, in which the Senate rejected the nomination twice due to negative reports from the Department of State Security (DSS). However, the presidency disregarded the authority and recommendation of the Senate and kept him as the acting chairman of the commission (Awotokun & Okotoni, 2020). That was a low blow to the National Assembly as an institution vested with law-making and oversight powers.

Legislative and Executive Face-off: The power scuffle between the legislature and the executive in democratic systems has always been known. The 8th National Assembly was always at war with the executive, personified by the president. Most legislative proceedings of the Assembly were not favourable to the government in power. There were always issues with the annual budgets and they were not approved on time, for example, the 2016 budget was approved af-

ter six months. In the same manner, the budget of 2017 was passed into law after four months. The budget of 2018 was no different. In 2017, there were issues with the ambassadorial nominees. Thus, as a result of disagreements between both arms, the Senate delayed the confirmation of more than thirty-seven (37) nominees of the president for months and others were delayed for a year (Channels TV, 2018).

The legislature under the leadership of Dr. Bukola Saraki, the Senate president, tried to assert the independence of the legislature. This made the president to abandon the legislature and took actions without their knowledge and consent, like the deployment of troops to Gambia in 2017 (Abayomi, 2017). Also, according to Awotokun and Okotoni (2020) this continuous face-off caused Saraki to leave the All Progressive Congress (APC) and cross over to People's Democratic Party (PDP), the opposition party on the 1st of August, 2018. The statement from Saraki buttresses this point, to quote him "we have been experiencing a situation where every dissent from the legislature was considered an affront to the executive or a plan to undermine the government" (Channels TV, 2018). The struggle for control and dominance between the two arms of government is a major challenge to the making of foreign policy.

Unending Conflicts between the Legislature and the Executive: The principle officers (Senate and deputy Senate president, speaker and deputy speaker) of the National Assembly have always been handpicked and elected unopposed by the ruling political party and by extension the Presidency. This was not the case of the 8th National Assembly. The Senate president of the 8th National Assembly Bukola Saraki although was a member of the ruling and majority party, the All Progressive Congress (APC), he was not the party's choice (Folarin & Folarin, 2018). Saraki defeated Senator Ahmed Lawan, the candidate preferred by the party and President Muhammadu Buhari. Also, for the first time the deputy Senate President was from the opposition party, the People's Democratic Party (PDP). This resulted into the constant bickering, clashes, and conflict of interests between the legislature and the executive, affecting the legislature's constitutional duties of making policies (Erunke, 2015).

Spill-over effects from prolonged Military rule: The military is known for its command structure and system of governance. This was the norm during the military era in Nigeria as military Head of States ruled by decrees, and authority was centralized (Folarin, 2010). After 22 years of return to democratic rule in Nigeria, that pattern of autocratic governance, is yet to be abandoned. For example, former president Olusegun Obasanjo's acted with a fiat and did not respect the legislative proceedings. This was not surprising since he was an ex-military personnel and president. The National Assembly's leadership was influenced by him, to the extent that any Senate president that tried to assert the independence of the legislature was impeached and replaced. This led to the Fourth Assembly having three Senate presidents, and two in the Fifth Assembly. The House of Representatives was not spared also as they had two speakers in the Fourth Assembly. Also, in a vicious attempt to keep an eye on the National

Assembly and control them, president Obasanjo installed in the senate chamber, closed circuit cameras, which simply reflected dictatorship (Awotokun & Okotoni, 2020).

There was an exception in the brief tenure of late President Umaru Musa Yaradua, who declared that the rule of law would be upheld and did not interfere with the business of the legislature (Sobechei, 2019) and former president Goodluck Ebele Jonathan, who to some extent allowed democracy to prevail in Nigeria as it should be. As noted, under President Jonathan's leadership by Awotokun and Okotoni (2020) there was a cordial relationship between the government arms. However, with the return of another ex-military official and Head of State, similar dictatorial tendencies have been displayed (Awotokun, 2020). An example was the attempt to impeach the Senate president, Bukola Saraki in 2018, because legislative proceedings did not favour the party of the president and by extension the president (Oghuvbu, Gberevbie & Oni, 2022).

7. Conclusion and Recommendations

This study examined the role of the National Assembly in formulating foreign policy. The National Assembly no doubt derives its authority from the constitution of the Federal Republic of Nigeria and such powers like legislative oversight control over national budget, and law-making have legislations with foreign policy connotation. Thus, the National Assembly is empowered to contribute to the making of foreign policy. However, 8th did not maximize its foreign policy formulating powers as a result of several challenges as examined earlier. There was constant faceoff between the two arms of government, and sometimes the National Assembly had to give into the demands of the executive. It should be noted that, in as much as it is good for both arms to have a uniform goal and to work in unity, it does not imply that the National Assembly should overlook every action of the executive and act as a rubber stamp to them. It is on this note that this study makes the following recommendations.

First, the independence of the National Assembly is paramount, to properly perform the duty of oversight on the executive and as such, the principal officers of the National Assembly must be nominated and elected on merited grounds rather than playing majority party's favourite which will result in a rubber stamp legislature.

Secondly, the legislators should respond quickly to issues. The 8th National Assembly was in the habit of giving late responses and approval to matters on its desk. This was probably one of the reasons the president deployed troops abroad without notifying the National Assembly, because he was sure they would not respond quickly.

Finally, foreign policy legislations that will impact the country positively should be made and for this to happen both the executive and legislature have to work within their legal framework as provided in the constitution. There should be respect for legal competences and boundaries.

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Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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