

## The Organs of Government and the Application of the Doctrine of Separation of Powers in Conflict Management in Nigeria

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### Abstract

*The issue of conflict management in democratic governance has been a contending one. This paper analyses the rising involvement of the Legislature in conflict management, a function hitherto seen by scholars as the domain of the Executive and the Judiciary. This article adopts a methodology involving qualitative research based on a review of published literature. The study recommended the interpenetration rather than separation of governmental powers as a model for conflict management.*

**Key words:** democracy, separation of power, the legislature, conflicts, conflict management

### Introduction:

Democracy means ‘power of the people’. ‘It is now regarded as a form of government in which the people rule themselves either directly or indirectly through their representatives’ (Kapur, 1975:377). It may also be described as a system of government under which the people exercise the governing power either directly or through representatives periodically elected by themselves (Appadorai, 1996:137). Democracy is based on the notion that a people should be self-governing and that the representatives of the people should be held accountable for their actions. For a State to be said to be democratic, there must be established government with clearly defined organs, namely, the Legislature, the executive and the judiciary, all with coordinate powers and performing specific functions as enshrined in the law of the State. For a State to be said to be truly democratic, the Legislature must exist and the doctrine of separation of powers is a sine qua non to democracy.

States world over have been confronted by various forms of violence, crisis and conflicts. Conflict could be seen as the process in which one party perceives that its interests are being opposed or negatively affected by another party (Egobueze, 2016). That is, it is the interactive process manifested in incompatibility, disagreement, or dissonance within or between social entities. Conflict is a clash between individuals arising out of a difference in thought process, attitudes, understanding, interests, requirements and even sometimes perceptions. Conflict results in heated arguments, physical abuses and definitely loss of peace and harmony. A conflict can actually change relationships, persons, communities, states and countries that were hitherto friends may become foes as a result of conflict. A small conflict not controlled at the early stage may lead to a large war and rifts among countries leading to major unrest and disharmony.

Conflicts may be of many types like verbal conflict, religious conflict, emotional conflict, social conflict, personal conflict, organizational conflict, community conflict and so on. It is a state of discord caused by the actual or perceived opposition of needs, values and interests between people. It can result in stress or tension and negative feelings between disputants, and it is not only disruptive and destructive but also constructive (Bello, 2006:30).

Violent conflict dramatically disrupts traditional development. It discourages investment, erodes and weakens the institutions needed for political and economic reform, redirects resources to non-productive uses, and causes a dramatic deterioration in the quality of life (Egobueze, 2013). The consequences of conflicts are not limited to the country where they are prevalent, but also have sub-regional and transnational implications. It also has a damaging effect on global stability.

This research seeks to answer some questions on the processes and procedure of conflict management especially in fragile democracies, like Nigeria. Firstly, how has the organs of government grappled with management of conflicts? Which of the organs of government is or are saddled with the responsibility of managing conflicts especially in Nigeria? Why is the legislature increasingly involved in conflict management? Has the principle of separation power any implication in conflict management?

This study therefore conceptualizes and theorizes conflict, review conflict management; and the rising involvement of the legislature in conflict management.

### **Conceptualizing Conflict and Theories of Conflict**

It is difficult to articulate a concise definition of conflict that is commonly accepted by all scholars. The word is nebulous and has gained currency in different arenas. Some scholars perceive it as a reflection of interpersonal hostility, while others regard it as an interpersonal disagreement stemming out of different choices or preferences (Barki & Hartwick, 2001). Early definitions of conflict had focused on a wide variety of different phenomena. However, Pondy (1967) categorized these definitions into four, namely: antecedent conditions, emotions, perceptions and behaviours. Rather than pick one of these specific definitions, Pondy had argued for the adoption of a broad working definition of conflict as the entire process that encompassed these phenomena. However, most definitions confluence around two broad views, with at least, two independent groups; the groups that perceive some incompatibility between themselves, and the groups that interact with each other in some way. Two contending definitions are, 'a process in which one party perceives that its interests are being opposed or negatively affected by another party' (Wall & Callister, 1995:517), and 'the interactive process manifested in incompatibility, disagreement, or dissonance within or between social entities' (Rahim, 1992:16).

The word 'conflict' (Latin, *conflictus*) means 'fighting or a struggle for mastery'; 'a quarrel' ([www.dictionary.com/browse/self-conflict](http://www.dictionary.com/browse/self-conflict), retrieved, 2017). It means therefore a combat; a striving to oppose or overcome active opposition. Many scholars have defined the concept in different ways, but for the purpose of this study, we would attempt to explore the definition relevant to our study. Conflict arises as a result of frustration of important life goals or profound disruption of life cycles and methods of coping with life stressors. Huggett (1999) in Uchendu2007: 10) had this to say, 'conflict as a struggle, a strong disagreement, a clash between contradictory wishes, to be incompatible, to oppose'. That is, it is opposing interest that occurs in relationship.

Thomas (1992: 891) conceptualizes conflict as 'the process which begins when one party perceives that another has frustrated, or is about to frustrate some concern of his'. Conflict is an expressed struggle between at least two inter dependent parties who perceive incompatible goals, scarce rewards and interferences from the other part in achieving their goals. This definition according to Thomas was broad enough to include a wide variety of conflict phenomena, but specified a beginning point for the conflict process – that is the point when other social processes (e.g. decision-making, discussion) 'switched over' into conflict.

Karl Marx (1818–1883) is arguably the father of conflict theory. Anchored on a dialectical materialism account of history, Marx studied the prevailing economic order of his time and posited that capitalism, like previous socioeconomic systems, would inevitably produce internal tensions leading to its own destruction (Wikipedia, retrieved, 2017). Marx proposed a radical change, advocating proletarian revolution and freedom from the ruling class. At the same time, Karl Marx was aware that most of the people living in capitalist societies did not see how the system shaped the entire operation of society (Wikipedia, Retrieved, 2017). Marx wanted the proletarians to rise up against the capitalist and overthrow the capitalist system. Reviewing the economic, social and political implications of the rise of capitalism in Europe, Marx theorized that the capitalist system breeds unevenness in the acquisition and distribution of wealth and this is achieved on the dictatorship of a powerful minority few (the bourgeoisie) who oppress the majority weak class (the proletariat) (Wikipedia, Retrieved 2017). The exertion by Marx is supported by Mills as cited in Barasah and Iravo (2015) that, 'social structures are created through conflict between people with differing interests and resources. Individuals and resources, in turn, are influenced by these structures and by the unequal distribution of power and resources in the society.' This condition engenders class conflict because the interests of the two were at odds. To Marx therefore, 'the history of all hitherto existing society is the history of class struggles (Marx and Engels, 1848).'

The central concerns of conflict theory are the unequal distribution of scarce resources and power. What these resources are might be different for each theorist, but the underlining thesis is linked usually with Weber's three systems of stratification: class, status, and power. Conflict theorists generally see quest for power and the acquisition of power as the central feature of society, rather than

thinking of society as held together by collective agreement concerning a cohesive set of cultural standards, as functionalists do. Therefore, power is at the bane of most conflicts in society.

Conflict theory therefore is key to this study, as it is an enabler to theorizing the role of the organs of government in conflict management in the context of the contemporary capitalist state and the interpenetration of governmental rather separation of powers. It therefore reviewed the contending social order that led to conflicts and the role of organs of government in the management of these conflicts.

### **CONFLICT MANAGEMENT**

Conflict management is the implementation of strategies to limit the negative aspects of conflict and to increase the positive aspects of conflict at a level equal to or higher than where the conflict is taking place. That is, conflict management aims at the enhancement of learning and group outcomes and effectiveness in organizational setting. It is not concerned with eliminating all conflict or avoiding conflict, but limiting conflicts. Conflict management normally aims at the settlement or regulation of disputes (peaceful or violent) about conflicting relevant values, interests or preferences; and about the general access to resources at governmental level in society. Poor conflict management remains a major source of political instability in countries the problem of good governance like Nigeria.

‘Conflict management normally is the settlement or regulation of disputes (peaceful or violent) about conflicting relevant values, interests or preferences; and about the general access to resources at governmental level in society’ (Burgess & Burgess 1997:77, Miall & Woodhouse 1999:21). According to Ifesinachi in Ikejiani-Clark (2009:104) ‘conflict management is the operationalization and responses to the enforcement of the strategic provisions, goals and ideals of conflict resolution agenda’. Conflict Management is the complementary role of process and structural interventions, and some diagnostic questions to help practitioners identify key intervention targets.

Once conflict has broken out, prevention is obviously not an option any more, and the next best strategy is the need to resolve it. Acceptance and regulation only becomes an option once resolution is also not possible. As stated above, ‘resolution implies a primary focus on the deep-seated roots of the problem, as well as the creation of conditions within which such attempts at resolution can be implemented and pursued relatively effectively’ (Burgess & Burgess 1997:76). It therefore means both a short term focus on a de-escalation of the conflict into more peaceful and rational and less violent and emotional interaction among the conflicting parties, and a longer term focus on the elimination of those trigger factors that led to the eruption of the conflict, i.e. to bring about structural changes that will eliminate the conflict. Conflict resolution is a complex, multidimensional process that can be costly and time-consuming, but if it succeeds in transforming destructive energies in society into constructive energies, it can bring about sustainable peace. External interventions are in some situations necessary in order to achieve these outcomes.

USAID (2004:3) observes that ‘there are different causes of conflict; thus, there is an emerging consensus that certain broad clusters or categories of causes need to be in place for conflict to emerge. These are:

- 1) Incentives or motives for participation in violence;
- 2) Causes that facilitate the mobilization and expansion of violence;
- 3) Institutional capacity to manage and respond to violence; and
- 4) Regional or international causes.

The first category looks at *motives* or *incentives* for participating in violence. Ethnic or religious tensions, political exclusion and repression, population pressures, poverty, and competition over access to valuable natural resources all fit into this category. Many of these factors feed into a strong sense of grievance, and without a widespread sense of anger it will be difficult to move large numbers of people to fight. However, greed and selfishness are major reasons for turning to violence conflicts.

The second category looks at whether individuals or groups with an incentive for violence have the means at their disposal to organize and execute conflict on a wide scale. Do they have the organizational capacity necessary to sustain violence? Do they have access to money and weapons and on what scale? Are there pools of recruits they can draw from? Without these resources, no matter how deeply felt a grievance or overwhelming the desire for economic or political gain, widespread violence

cannot be sustained. Causes in this category are critical for determining whether violence will remain at a relatively low, sporadic level or whether violence will scale-up to more dangerous levels that can lead to the widespread loss of life and property and ultimately trigger state failure.

The third category looks at whether the opportunity exists for conflict to emerge. Essentially, state institutions are the filter through which all other causes of violence must pass. Institutions can either work to address grievances and be responsive to the needs of their citizens, or they can fuel discontent through repression, poor governance, corruption, and inefficiency. They can block access to conflict resources by crafting policies that limit the flow of arms or find economic alternatives for potential recruits, they can fail to do so, or they can actively contribute to conflict by providing these resources to different factions. Perhaps most important, institutions can either constrain the behavior of opportunistic elites who see violence as an effective strategy for gaining power and wealth, or they can create the conditions that foster their emergence, appeal and room for maneuver.

It is worthy to note that these three categories are at the heart of internal conflicts; forces at the regional and international level have become increasingly important. National borders in most parts of the world are extremely porous and many of the networks that sustain conflicts are transnational in scope. The ease with which rebel movements sell oil, diamonds and gold on global markets; arms flows, refugee flows, and trans - boundary extremist groups have all had a significant impact on violence occurring within a country and indeed Nigeria. If all of these causes are in place, there will be certain events, such as elections or natural disasters, economic shocks, religious extremism or riots to trigger the outbreak of full-scale violence.

### **THE LEGISLATURE**

The legislature or parliament is a unique institution and probably, the symbol of democracy. 'Legislatures are set up to represent the people and play central roles in constitutional democracy (Oko, 2012: 2)'. 'The legislature, which represents the people and acts as their agent, is therefore at the core of the Western democratic tradition (Ornstein, 1992)'. They evolve and develop internally in reaction to broader political environment (Forgette, 1997). Through the legislature, the citizens of the nation express their wishes. Consequently, this organ of government is in - dissociable from liberal democracies as they are constructed around it (Okoosi- Simbine, 2010:1).

In any democracy, the legislature is the watchdog over other organs of government and the society. Nwabueze (2007) opines:

*the Legislature is the distinctive mark of a country's sovereignty, the index of its status as a state and the source of much of the power exercised by the executive in the administration of government. The sovereign power of the state is therefore identified in the organ that has power to make laws by Legislation, and to issue "commands" in the form of Legislation binding on the community.*

Nwabueze further buttressed this argument by referring to the Constitution of Nigeria wherein the Legislature is dealt with first before the other organs of government. Thus section 4 deals with Legislative powers, section 5 with Executive powers and section 6 with Judicial powers. This to a large extent is the chronological order of these kinds of democracy.

Commenting on the legislature, Al - Mustapha, (2013, 15) opines that 'the legislature is an essential organ of government that determines to a great extent the successful operation of the remaining organs in a presidential democracy anchored on separation of powers'. As cited in Alabi and Egbowole, ;modern study of government and politics in contemporary nation states is impossible without an appreciation of the role of the legislature'. In his contribution, Sage, states:

*When referring to democratic governance, whether parliamentary or presidential, the organ of government that captures the mind most as epitomizing the concept is the legislature. For that is the place where the public sees democracy in action, in the form of debates, and consideration of motions, resolutions and bills. The closest politician to the voter is the representative of his constituency in the legislature. During Military regimes, we still see the judiciary and the executive in action. It is the Legislature that is really missing; for a supreme Military Council or Provisional Ruling Council is no different from the Military executive. Thus the most significant*

***phenomenon in a democratic set up is to see the legislature, the Assemblies of the people's representatives in action.***

Law making is fundamental because, the will of the people is expressed through the laws of the State. Legislative function is therefore very crucial because the legislature help to watch the process of administration through its third cardinal function – oversight in order to safeguard the liberties of citizens. The legislature among other arms or organs of government best reflects the concept of representative democracy. Representative democracy is a form of government where the powers of the sovereignty are delegated to a body of men, elected from time to time, who exercise them for the benefit of the whole State.

‘Traditionally, the legislature is vested with formal lawmaking power, giving it some capacity to shape or at least influence public policy (Ladi, 2010:1)’. Salim, (2010:52) describes ‘the legislature as a representative institution in the sense that its members are elected representatives of the nation’. A legislature therefore is the law - making body of a political unit, usually a national or sub – national government that has power to make, amend and repeal public policy. Laws enacted by legislatures are known as legislations. Legislatures observe and steer governing actions and usually have exclusive authority to amend the budget or budgets involved in the process

Everywhere they pass laws, scrutinize the ways of raising and spending public revenue, seek and apply means of ensuring accountability in public offices and discuss matters of public importance. Legislatures are known by different names. In the U.S, the Federal legislature is called the Congress. In Nigeria, the Federal legislature is known as the National Assembly, the State legislature, as the State House of Assembly and the Local Government Legislature as the Legislative Council. While the federal legislature is bicameral, i.e. it consists of the Senate and the House of Representatives, the States and Local Governments have unicameral type; that is, one chamber.

Finally, the legislature is the basic feature of modern democracy that distinguishes it from any other form of government. This is because in the military contraption, which is seen as a political antonym for democracy, all other arms of government- the executive and the judiciary continues to run while the legislature is strangled by force. This makes it impossible to check on the excesses of the executive arm and to exercise the legislative oversight functions under the military rule in Nigeria.

### ***THE EXECUTIVE***

The Executive is an ubiquitous feature of political system world over (Roberts, 2002:6). It is the second but most powerful organ of the government. The Executive implements the laws passed by the legislature and the policies of the government. In common usage, it could be identified as the government. In contemporary times, there has taken place a big increase in the power and role of the executive in every state.

The term ‘Executive’ has been defined both in its broad and narrow forms. In a broad sense, it is a symbolism of all the functionaries, political power-holders (Political Executive) and the bureaucracy (permanent civil or some public servants) who implement the laws and policies and run the administration of State. The executive organ is the aggregate of all the functionaries and agencies which are concerned with the implementation of the will of the State as that will has been formulated and expressed in terms of law. In its broadest sense, the executive department consists of all government officials except those acting in legislative or judicial capacity. It includes all the agencies of government that are concerned with the execution of states will as expressed in terms of law.

In modern times, the executive is defined in its broader form and it covers both the Political Executive as well as the bureaucracy. The political executive performs the function of making policies and ensuring that all the laws are properly enforced by all the departments of the government. The bureaucracy (civil and some public servants) run the day-to- day administration and works in government departments. However, they are supervised and control of the political

Executive could be Single or Plural, Presidential or Parliamentary, hereditary or elected, A single Executive exists when all the executive powers are concentrated in the hands of a single functionary/leader, it is called a single executive. In Nigeria, USA, Australia, France and many other states there are single executives. Whereas, where the executive powers are vested with a group of

persons or in a Committee/Council/Commission and these are collectively exercised by all the members of such body, the executive is referred to as the Plural. A key example is Switzerland.

The primary function of executive is to enforce laws and to maintain order in the State. Each government department is responsible for the implementation of the laws and policies concerning its work.

### **THE JUDICIARY**

The word “judiciary”, has a Latin origin and has been variously defined. According to the Oxford Advanced Learner’s Dictionary, “Judiciary” is “usually the judges of a country or a state, when they are considered as a group”. Given the fact that the judiciary is a legal institution, it is imperative not to limit ourselves with and the ordinary definition but further define it from a legal dictionary. Thus, the Black’s Law Dictionary defines the term judiciary as ‘the branch of government responsible for interpreting the laws and administering justice. ‘A system of courts.A body of judges.’

The most important function of the Judiciary is rule adjudication, which is distinct from the two governmental functions of rule making and rule application performed by the Legislature and Executives respectively. It is instructive to note that the judiciary is bigger than any single individual; it is an institution of government and the last hope of the common man. Section 6of the Constitution of Nigeria 1999 (as amended) vests the judicial powers of the Federation in the courts established by the Constitution.

The judiciary provides a mechanism for the resolution of disputes. In applying the doctrine of separation of powers in a State, the judiciary generally does not make law or enforce law, rather interprets law and applies it to the facts of each case. In some climes, the Judiciary could make law, known as Common laws, by setting precedent for other judges to follow, as opposed to statutory laws made by the legislature. The Judiciary often provides access to justice.

In many jurisdictions the judicial branch could change law through a process known as *judicial review*. This most often is done by the apex court in the State – the Supreme Court as is the case in Nigeria. In order to properly align to the principle of the 'Rule of Law' as the operative norm in social constructs great care must be taken in the election and/or appointment of unbiased and thoughtful judges whose loyalty to an oath of office is without reproach.

In Nigeria, Constitution clearly demarcates boundaries of the divisions of the courts. Section 270 of the Constitution of Nigeria 1999 (As Amended) provides for State Courts. The Federal judicial power is exercised by the Federal Courts, which adjudicate in disputes arising between individuals, governments and corporate entities in their inter-relationships with one another within or outside the country in accordance with the law. These courts are: the Supreme Court, *the* Court of Appeal, The Constitutional Court, the Federal High Court, the High Court of the Federal Capital Territory, Other Courts of the Federal Capital Territory namelythe Sharia Court of Appeal and the Customary Court of Appeal. The Grand Khadi and Khadis preside over the Sharia Court while the President of the Customary Court and other Judges preside over the Customary Court of Appeal. The Sharia Court of Appeal exercises appellate and supervisory jurisdiction in civil proceedings on Islamic Law. The Customary Court of Appeal exercises appellate and supervisory Jurisdiction in Civil Proceedings on Customary Law. Administration of justice is the primary function of the judiciary. However, the judiciary performs certain other function too. The judiciary in the final analysis interpreters the laws, and punishes the person or persons that breached the law.

### ***The Doctrine of Separation of Powers, the Legislature and Conflict Management***

What we seek to explain is the rising involvement of the Legislature in conflict management in Nigeria, a function hitherto seen as domain of the Executive and the Judiciary by the discipline of political science. We theorize the role of the legislature in conflict management in the context of the contemporary capitalist state and the interpenetration of governmental rather separation of powers.

To begin with, we locate our explanation in the doctrine of separation of powers. In his famous work, ‘*Second Treatises of Government*’ theEnglish philosopher John Locke examined governance in England and stated that the legislative and executive powers should not reside in the same person or governmental body, otherwise corruption and tyranny would result. Power, according to him, should

be divided between the king and the parliament in England of his days. Half a century later in 1748, Montesquieu published the *Spirit of the Laws (Esprit de Lois)* in which he reformulated this ancient idea in political theory that has become a touchstone in modern liberal constitutionalism namely, the idea of separation of powers and the cognate principle of checks and balances. In Book XI of *Spirit of the Laws*, Montesquieu ascribed liberty in England to the separation of legislative, executive and judicial powers, and to the balancing of these powers against each other. However, long before Montesquieu, the idea of a mixed state had also appeared in Plato's *Laws*. It was later used by Polybius to explain the stability of Roman government. In Medieval Europe also, the idea of division of powers came to be a principle in constitution-making as a counter to the divine sovereign powers claimed by monarchs. And in England, the long struggle between the Crown, parliament and courts of common law, which climaxed in the Glorious Revolution of 1688, underscored the importance of separation of powers and checks and balances. The genius of Montesquieu lay in reformulating an idea connoting a political balancing of economic and social interests or sharing of powers by corporations, communes and municipalities, into a system of legal checks and balances between parts of a constitution. Montesquieu proposed that all political functions are necessarily classifiable into legislative, executive or judicial. To safeguard liberty, each of these sets of functions must be separate and act as checks and balances on one another. American Federalists later adopted the propositions of Montesquieu, especially Madison, as the organizing framework of the American Constitution.

Although the idea of separate and co-ordinate powers of the three arms of government has been a major principle of liberal democratic constitution making for over three centuries, political scientists often overlook what has become its organic connection to competitive capitalism. Many political scientists have noted the progressive changes in the original formulation of the idea of separation of powers, particularly the increasing fusion of functions among the three arms of government. Today, there is delegated legislation (a law making function) as well as power to grant prerogative of mercy (Judicial function), conferred to the Executive arm of government, and through oversight functions too, the legislature is increasingly involved in executive function, finally judicial review places the Judiciary in fore with law making and executive functions. This therefore leads to interpenetration of governmental power rather than separation of power as previously conversed by theorist like Locke, Montesquieu and other notable scholars in political science.

Yet, they have superficially attributed these changes to specific historical experiences of countries. Consequently, there is no attempt to theorize a general and fundamental basis for these changes, particularly the relations between executive power and the legislature. Such an understanding has to be sought in historic changes in capitalist production and the capitalist state. Being a market-oriented, commodity-driven system, the capitalist society invariably evolves an executive force seemingly standing above society and appearing as the guarantor of the collective interests of the people-nation. The principles of separation of powers, checks and balances, and rule of law are the political equivalents of the market ethics of division of labour and collective subordination of commodity bearers to the impartial forces of demand and supply.

In the West, separation of powers was particularly important during the phase of competitive capitalism for it served to balance the competing interests of fractions of capital, for these interests were usually inscribed in the arms of government. At the same time, by concurrently limiting and balancing the arms of government, the liberal state, which corresponds to competitive capitalism, appears as non-arbitrary, impartial and therefore capable of guaranteeing both the interests of the dominant and dominated classes. As a result of this position of the liberal state, which corresponds to the competitive stage of capitalism, its political function, consisting of exercise of legitimate violence and the reproduction/inculcation of the dominant ideology, becomes accented and takes precedence over its economic functions. In turn, the Legislature, as the symbol of universal Reason, popular representation and popular power, tends to be dominant over the Executive and administration. This dominance arose because parliament as the law-making organ incarnated general norms whose universal and formal character constituted the essential feature of modern law. By extension of this fact, parliament expressed public opinion, protection of the people-nation from executive arbitrariness (as represented by the monarchy in Europe of the Middle Ages), supremacy of law and the reign of universal reason (Poulantzas, 1980).

At the stage of monopoly capitalism, the liberal State is superseded by a monopoly capitalist State, a process marked by a progressive movement away from separation of powers of the arms of government to an interpenetration of powers of the arms of government. This condition is explained by an unprecedented rise in the direct involvement of the capitalist state in the economy and the extraordinary expansion in the state's economic apparatuses. Consequently, rather than the role of maintaining and reproducing the 'external conditions' of production, this state is at the very heart of directing the economy. In the process, the political function of the state recedes progressively in favour of its economic functions. The Executive and administration expand to meet the demands of the economic functions of the state. By implication, increasingly the executive arm becomes directly involved in social conflicts (state violence/aggression). Concomitantly, there is a fundamental shift in the basis of the state's legitimacy. In place of the legitimacy based on universal rationality, general norms represented by the legislature, what emerges is a new legitimacy based on instrumental rationality expressed as efficiency and authority.

Increasingly therefore, the Executive becomes less democratic and more repressive of underprivileged groups. Consequently, it is increasingly less able to manage conflicts and, in the words of Engels, keep them within the bounds of order. Still, the collective role of government in capitalist states is to maintain the long-term domination of the ruling classes. Thus, the legislature increasingly steps in as a moderating force in conflicts.

We can then make the following conceptual propositions regarding the rising role of the legislature in conflict management:

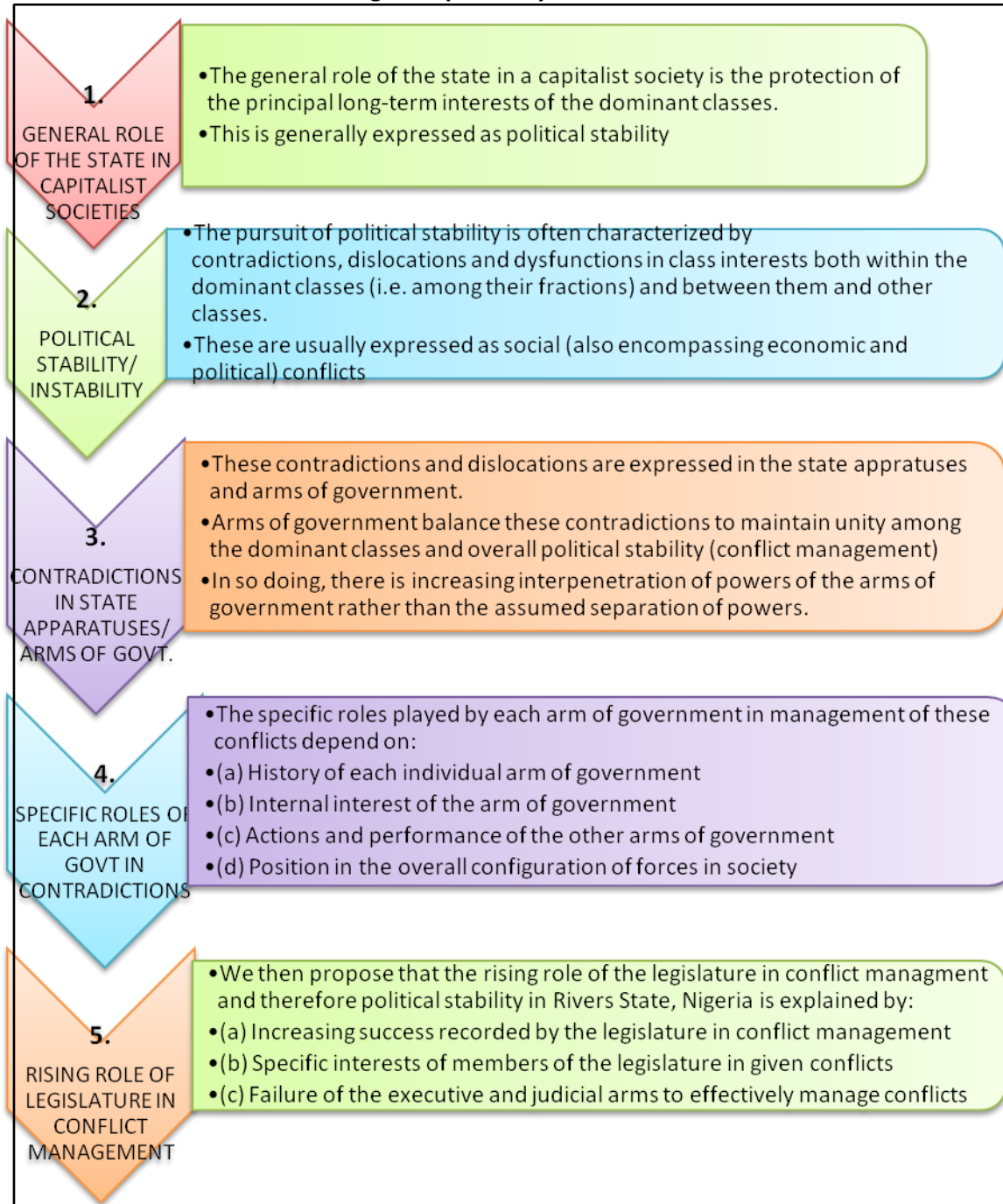
1. The principal role of the present-day state, particularly its governmental apparatuses, is to establish and maintain the general long-term interests of the dominant classes.
2. The long-term interest of the dominant classes is principally expressed in political stability, that is to say, maintenance of economic, political and ideological dominance of these classes.
3. In contemporary times, this role is marked by both harmony and contradictions in the interest of the dominant classes which the state apparatuses and branches try to balance.
4. This balancing act is underlined by the interpenetration rather than separation of powers among the three arms of government.
5. Following Poulantzas (1980,134), we theorize that the overall role of maintaining the long-term interests of the dominant classes and its necessary expression in the distribution and balancing of functions among the branches of government and state apparatuses produce the following hallmarks of the contemporary capitalist state:
  - a) A structural mechanism whereby an apparatus filters the information given, and the measures taken, by other apparatuses. The process of selection is implied by the particular materiality and history of each apparatus (army, school system, judiciary, and so on), by its specific internal representation of given interest, and, more generally, by its position in the configuration of the relationship of forces.
  - b) A contradictory movement of the decisions, and 'non-decisions' – that is, a certain systematic lack of state action – are not a conjunctural phenomenon, but are inscribed in the contradictory structure of the state and are one result of the contradictions discussed above. They are just as essential to the unity-organization of the power bloc as the positive measures that it undertakes.
  - c) The determination of priorities, and counter-priorities, within the organizational structure of a given state apparatus or branch, according to its specific materiality and the specific interest it represents. The order is different for each apparatus and branch, and each network or level thereof, according to its place in the configuration of the relationship of forces: there is thus, a series of mutually contradictory priorities and counter-priorities.
  - d) A system graded by branch and apparatus, and located within the decision making process, whereby measures proposed by other branches and apparatuses are filtered and the measures which they have already adopted are selected for various modes of practical execution.
  - e) A set of conjunctural, conflictual and compensatory measures responding to the problems of the hour. The policy of the State is thus established through a real process of intra-state contradictions and harmony within the arms of government.

The following three explanatory statements are derivable from our conceptual propositions:



- (i) As a result of increasing interpenetration rather than separation of powers of government, the failure of the executive and judicial arms of government in managing conflict generates increased involvement of the legislature in conflict management.
- (ii) This involvement is shaped by the specific interests of the legislature and legislators.
- (iii) Successful involvement of the legislature in conflict management correlates positively with political stability.

**Fig. 1: Explanatory Framework**



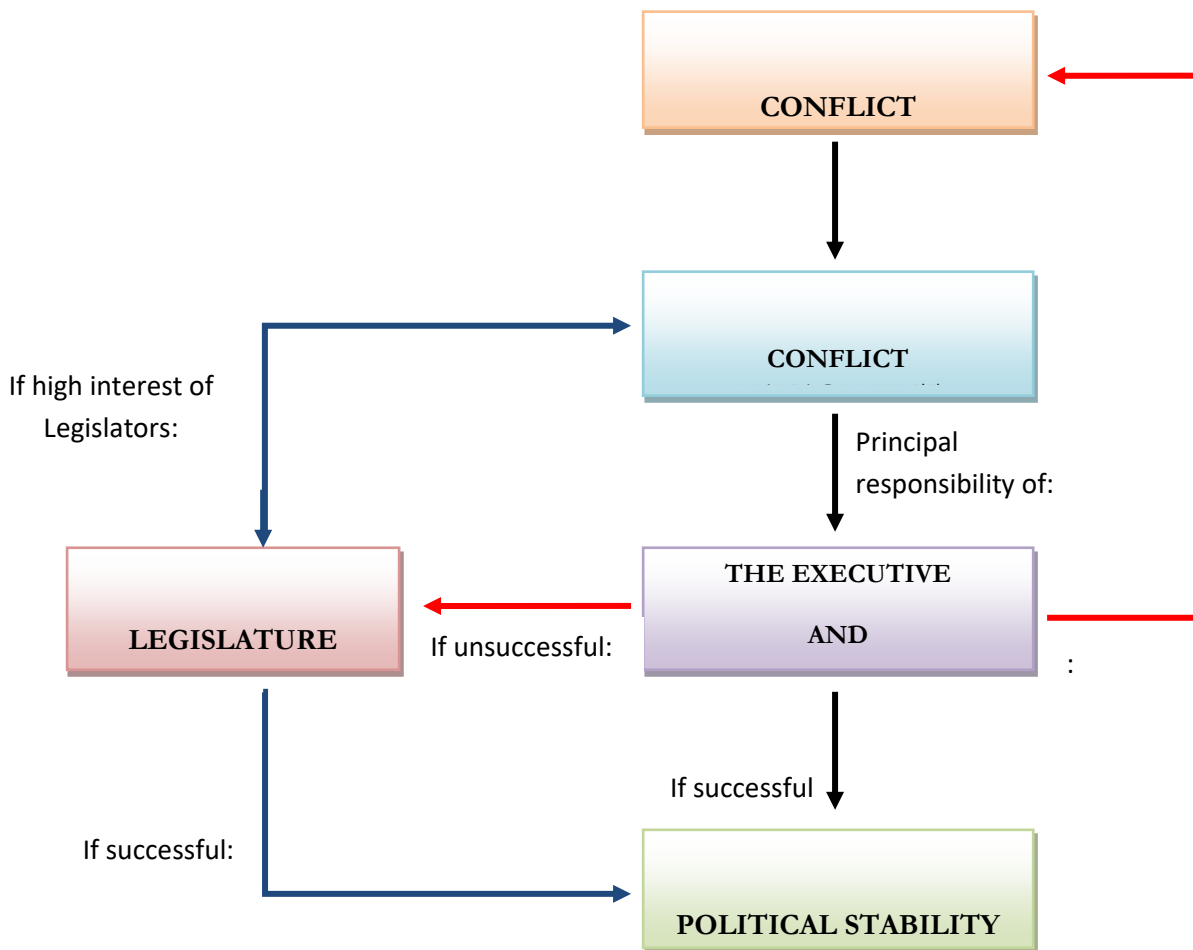
*Source: government publications, text books and internet materials*

As indicated in figure 1 above, the role of the state in capitalist society is to defend the interests of the class that owns the means of production by suppressing any threat to its domination and by

ideologically integrating the exploited classes. The capitalist state differs, however, from all previous forms of class rule due to the unique character of capitalist relations of production. As a result of the social conditions and the competition generated by generalized commodity production on the basis of private property, the interests of the capitalist class as a whole cannot be represented by individual capitalists, even the richest. The capitalist state therefore requires certain autonomy in order to represent the collective interests of the capitalist class. A system, in which the vast majority of people have no control over the most important decisions and actions of the government, the economy, their material well-being, or the course of their lives, cannot be considered genuinely democratic.

In reality, it is a dictatorship of the capitalists disguised by democratic forms. This leads to unhealthy rivalries which culminate to political instability and indeed conflicts between classes and institutions in the state. However, these dislocations are expressed in the State apparatuses with the arms of government struggling to maintain stability in the polity. To achieve balance in the system, the specific role played by each arm is as outlined in item 4 of the fore going figure. Thus, the failure of both the Executive and the Judiciary in conflict management leads to the rising role of the Legislature in conflict management.

**Fig. 2: Schema of conceptual propositions**



*Source: government publications, text books and internet materials*

In figure 2 above, the diagram illustrates conflict management matrix. It highlights that conflict management basically is the role of the Executive and the Judiciary. It shows that if these organs are successful in conflict management, there would be political stability, but the failure of these two organs to successfully manage conflicts would lead to political instability and conflict which leads to the

involvement of the Legislature in conflict management. However, the role of the Legislature is basically to make law, represent the constituents and oversight the other arms of government especially the Executive. It therefore acts as a watch dog over the other organs. The failure of these organs to curb conflicts leads to the increasing role of the Legislature in conflict management.

### **CONCLUDING REMARKS:**

Conflict is inherent in all societies and arises when two or more groups believe their interests are incompatible. Many scholars believed that conflict management is solely the responsibility of the Executive and Judicial branches of government. The involvement of the Legislature has been undermined and limited only to law representation, law making and oversight, which are the basic functions of the Legislature.

This study therefore opines that rather than separation of power, there is inter-penetration of governmental powers in conflict management, because the failure of the Executive and the Judiciary to firmly manage conflict has led to loss of confidence by the citizens on these two Institutions and the increasing rush to the Legislature which not only does not waste time in dispensing conflicts, but is cost effective.

Finally, we join the vociferous call for the amendment of the Constitution of the Federal Republic of Nigeria 1999 (As Amended) to guarantee full autonomy to the Legislature. This would engender complete financial independence and strengthen its oversight capacity. With financial autonomy, the Legislature would no longer be an appendage of the Executive, but would truly be independent in the exercise of its statutory and auxiliary powers.

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