

# Chapter 5

## The Executive Arm of Government



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**Abstract** Government is the sum total of legislative, executive and judicial activities, irrespective of the existing political system and ideological persuasion. The executive in many political systems is the most obvious and developed arm of government. This chapter explains the significance of the executive arm of government in Nigeria's democratic governance. It focuses specifically on the President and the presidency under the 1979, 1989 and 1999 federal constitutions. This chapter identifies challenges facing this arm of government and democratic governance in general that must be addressed to avert the collapse of the Fourth Republic.

**Keywords** Executive • President • Presidential system • Second republic • Democracy

### Introduction

#### *Meaning, Features and Types of Executive*

Government is the sum total of legislative, executive and judicial activities, irrespective of the existing political system and ideological persuasion. The executive in many political systems is the most obvious and developed arm of government. In Africa, it is the most persistent and enduring organ. This is partly because it is the arm of government that gives effect to the will of the state by enforcing or executing or implementing the laws and policies of government, respectively (Anifowoshe 1999).

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The significance of the executive in the operation of government was pointed out by Heywood (2007: 357) when he described it as the irreducible core of government. It has been argued that “political systems can operate without constitutions, assemblies, judiciaries and even parties, but they cannot survive without an executive branch to formulate government policies and ensure that they are implemented” (Oshewolo 2012:149). It has also been observed that the importance of the executive lies in its source of political leadership, a responsibility which has been greatly enhanced by the widening responsibilities of the state in both national and international politics.

Historically speaking, Roskin et al. (2008:277) noted, ‘there have been executives a lot longer than there have been legislatures’. They further stated that tribal chiefs, kings and emperors appeared with the dawn of civilization, and most of the time they had no legislatures to worry about. Over the years, many citizens accord prominence to the executive as in many countries, the organ have built-in psychological advantage over legislature. Specifically, the executive is the totality of governmental functionaries, charged with the responsibilities of implementing government’s decisions and policies (Appadorai 1975). It is also defined as that part of government which is responsible for the day-to-day administration of a state. It is pertinent to state at this point that this arm of government is not limited to the chief executives, such as Presidents or Prime Ministers who exercise state power. Rather, the arm is a very large one which includes but is not limited to; the armed forces, police, even clerks and the generality of officials who carry out orders on behalf of the state. The conglomeration of all officials of the executive arm is usually described as the civil service.

The executive arm is usually headed by a chief executive, who is either a President, Prime Minister or any other title ascribed to the position and is assisted by a retinue of officials usually called ministers. In modern times, as Anifowoshe (1999) has rightly pointed out, there are two principal roles performed by chief executives vis-à-vis; the head of state and the head of government. While the former is a ceremonial role, the latter carries with it a lot of responsibilities being the real holder of the office. Both roles are combined in a single person in a presidential system of government, while they are carried out by different persons or group of persons in a parliamentary system. At this point, it is imperative to explain that those who occupy political executive positions can be categorized into two, namely, permanent executive and temporary executive. The permanent executives include the core of civil servants, public servants and those military and paramilitary officers. The temporary executive members consist of elected and appointed politicians including the President and Vice President and cabinet ministers. In federal systems like Nigeria, the list includes both categories of executives at the federal, state and local government levels.

All executive arms do not perform the same functions, as these functions are wide and vary from one political system to another. The variations according to Appadorai (1975) are based on the type of executive in a state, whether parliamentary or non-parliamentary, and on the prevailing ideology in the state, vis-à-vis totalitarianism or liberalism. However, powers of the executive arm as stipulated in various constitutions vary from the formulation of policies, to the assenting of bills, maintenance of law and order as well as external relations, preparation of budgets

and so on. It can thus be said that this arm of government is responsible for the general administration of the state. The aforesaid functions have been categorized into three, namely, the legislative, administrative and judicial functions (Appadorai 1975; Anifowoshe 1999; Oyediran 2003).

**Legislative functions** It is a known fact that the legislative arm is the primary organ for lawmaking, yet it is interesting to know that the executive arm also performs certain legislative functions, such as the initiation of bills for the consideration of the legislature, the exercise of suspensive veto, delegated legislation, such as the issuing of statutory orders and rules under the powers vested in it by the legislature, and the power of summoning, proroguing and the dissolution of the legislature, under the parliamentary system. Since most bills become laws with the assent of the chief executive, and most of these bills are executive bills, it has been conceived that the traditional lawmaking function of the legislature had long been passed to the executive. It is not surprising that some legislatures in developing countries are referred to as appendages of the executive or executive rubber stamps.

**Administrative functions** These include the general coordination and controlling of the administration of the state, as well as the direction and supervision of the execution of law. This function also include the appointment and removal of higher administrative officers such as ministers, directing their work as well as exercising disciplinary control over them, the control of the armed forces and the conduct of foreign relations.

**Judicial function** This mainly relates to the pardoning power vested in the executive. By this, the executive can pardon a person who has been legally convicted of committing a crime against the state. This is often called the presidential pardon or prerogative of mercy, and it is exercised by entirely squashing the charges against such a person, or reducing the sentence passed on him or her.

The executive has been categorized into three (Anifowoshe 1999; Oyediran 2003). The first type is referred to as *titular and real executive*. The titular executive performs symbolic and ceremonial roles, as the head of state. It has the rights to be informed and consulted about public issues by the heads of government. On the other hand, the real executive is the head of government, who performs the day-to-day business of government. In a presidential system, the President performs both roles, while in a parliamentary one, the real executive is the cabinet headed by the Prime Minister, while the monarch or President is the titular executive. The second type is *single and collegial executives*. In a single executive, all executive powers are vested in a single individual called the chief executive, who has the full control over all government's businesses. Other executives (ministers) are subordinate to him. He appoints the ministers who are thus responsible to him. This is advantageous in certain regards, particularly during periods of emergencies when unity of control is of prime importance. Examples of countries with single executive include Nigeria, in the second and fourth republics, and the United States of America. However, in a collegial executive system (e.g. Federal Council of Switzerland and Great Britain), executive power is vested not in an individual but in a council or cabinet. The

structure of the council, however, differs from state to state. The last category is known as *parliamentary and non-parliamentary executives*. This categorization differentiates an executive chosen from within the parliament and holding office only so long as it commands a majority in that parliament, from one that is independently chosen of the legislature and holding office for a fixed term. The British cabinet system is an example of the former, while the Nigerian and American presidential systems are examples of the latter.

## Origin of Presidential Constitution in Nigeria

Nigeria, like most of the other former British Colonies, which the British bequeathed the Westminster model to at independence, has since dumped it for a single executive model (Nwabueze 2004). At independence, the Queen of England was the head of state, but was represented in Nigeria by an indigenous Governor-General, Dr. Nnamdi Azikiwe, while the Prime Minister was Alhaji (Sir) Abubakar Tafawa Balewa. By 1963, when Nigeria became a republican state, the Queen ceased to be the head of state. In her stead, erstwhile Governor-General, Nnamdi Azikiwe, became the President, and Tafawa Balewa remained as Prime Minister.

The Westminster model is characterized by the fusion of a part of the executive into the legislature, as seen in the membership of ministers in the latter, in other words, in a strict sense, it lacks the separation of power. Also, governmental powers are shared between two persons, the head of state (ceremonial head) and the head of government (real head), thus making it a plural executive system. It has also been noted that the legislative power is jointly vested in the head of state and the legislative assembly. More so, the legislature is controlled by the executive members. However, this principles became impracticable, particularly the division of power between the head of state and head of government. Nwabueze (2004) has pointed out certain factors that accounted for the frosty relationship between the two leaders in the early years of Nigeria's independence and which eventually led to the collapse of the Westminster model and First Republic.

Firstly was what he called the personality factor, which implied an imbalance in the relationship between the personalities of the head of state and head of government. Whereas the office of the head of state, ought to be above all other, and the holder of the office be seen as first citizen and be accorded such honour given to the Queen of England, though it is a non-executive office. However, Dr. Azikiwe who occupied the office as President between 1963 and 1966, could not come to terms with serving as a 'ceremonial head', while Tafawa Balewa, who did not wield as much influence as him exercised the real authority. With the benefit of hindsight, Azikiwe was a frontline nationalist, and at a time was referred to as the 'Zik of Africa'. He enjoyed national prominence across the land and had a great followership, until his leadership of the National Council of Nigerian Citizens (NCNC) was renounced in many parts of the country, most especially in the Northern Nigeria. He thus crumbled in popularity and influence, so much so that at independence, he

could not lead the government because his party only had support from the South, particularly from his tribal group (Igbo) (Nwabueze 2004:51). On the other hand, government ministers did not see themselves as the president's ministers. Much more, the President was described as lacking the attributes of kingly majesty in the eyes of the people as well as in the eyes of the ministers, who saw him as a colleague or worse still, as a political opponent (Nwabueze 2004). The personality of the President was not as grandiose as that of the British Queen who naturally attracts respect from the Prime Minister and the public at large. The inability of the Prime Minister to acknowledge the President as a true state symbol and as such accord respect to him, gradually depleted the system.

There was also the clash of interest. As practiced in Britain, from where the system was adapted, the head of state (President) ought to be non-partisan and as much as possible, subordinate his personal interest to that of the state. However, Dr. Azikiwe was unable to distant himself from partisan politics as was expected of him, as demonstrated in the manner he intervened in brokering peace after the 1964 federal election degenerated into a major crisis (Nwabueze 2004). This pitched the two leaders against each other, not only on party lines, but also on ethnic plains.

The third factor pointed out was that of the conflict of authority. Although, conflict is not unexpected in human relationships, it takes a higher dimension when as Nwabueze (2004:60) noted, 'executive authority is vested in one person, but exercised by another, especially where the two represent different interests'. The head of state was expected by law to act only on the advice of the government, though most public acts are done in his name, and some even require his authentication, and all these are predicated on the assumption that there exists a cordial relationship between the two persons. Two areas of conflict of authority in Nigeria's First Republic were, the conflict of authority of who to maintain and preserve the constitution and the second on whether the President was the Commander-in-Chief or not.

The conflict of authority in the first case manifested in the federal elections of 1964 which was marred by irregularities, such as violence, refusal of electoral officers to accept nomination papers from the supporters of opposition parties, use of illegal ballot papers and boycott of the election by the opposition parties. The election eventually held, despite the suggestion of the President to the Prime Minister that the election be postponed. The election result returned the government's party. Thus the President on the ground of preserving the integrity of the constitution and the attendant irregularities that witnessed the election, refused to reappoint the Prime Minister to form a new government as the constitution prescribes. This initial refusal, however, shook the nation to its foundation and threatened the corporate existence of the state. This imbroglio also saw both President and Prime Minister seeking the assistance of the armed forces at ensuring order in the country. Although the constitution designated the President as Commander-in-Chief, subject to the functions as may be prescribed by the parliament, the statutes governing the armed forces had no such reference to Commander-in-Chief. The final authority over the armed forces was vested in the council of ministers, as well as in Prime Minister who was empowered to direct the commanders of various units for operational use in the maintenance of law and order. Thus the President was just the Commander-in-Chief in name.

These series of conflicts and the ideological difference between Azikiwe's NCNC and Balewa's NPC contributed to a military incursion in politics.

Thus the decision of the framers of the 1979 constitution not to adopt the 1963 parliamentary constitution was a strategic mechanism to address the specificity of the pluralistic social system of Nigeria. The multi-ethnic configuration of the Nigerian state had, in the past, generated tensions, crises and problems that shook its foundation, resulting in the rise of mutual suspicion and unhealthy rivalries and has also generated intergroup frictions and so hastened the disintegration rather than promote the unity of Nigeria (Agbodike 1998).

In a society like Nigeria, the fusion of the executive and the legislature in a parliamentary system poses a serious problem for constitutional practice. This political arrangement could be and has been exploited by the opposition to either extort unpopular concessions or topple hapless regimes (Bassey 2006). Since the executive (cabinet) in the parliamentary system also commands the majority in the legislature, the system could, as in Nigeria's first republic, create constitutional despotism. This is largely because an executive in control of the legislature and the legislative process is in the position of a near-absolute ruler (Bassey 2006).

A ready alternative was soon found in the American model of presidentialism. This system provides for a single executive, by which is implied that the executive powers (both ceremonial and the real executive power) are vested in one person, the president. Also, the executive is wholly outside and independent of the legislature. There is also a clear separation of powers: the legislative power is vested in an independent legislative body, free from executive control by reason of total exclusion of the President and his ministers from membership. Furthermore, the system guarantees the proper application of the doctrine of checks and balances as well as a judicial review of the constitutionality of legislative as well as executive acts).

Drawing from these features, the presidential system provides for a complete separation of power between the executive and the legislature and guarantees an independent judiciary. The independence of the executive from the legislative arm ensures that the chief executive, that is the President, is popularly elected. Unlike in the parliamentary system, where the Prime Minister is elected from the parliament together with his cabinet members, the President derives his power from the people, and so he is responsible to the people. He has the power to hire and fire, as such he appoints and dismisses the ministers at will and all ministers are responsible to him, being the chief executive. On the other hand, the legislature is separate and independent of the executive. Its members are also popularly elected, thus having the people as the source of its power just like the President.

## **The President and the Presidency Under the 1979, 1989 and 1999 Constitutions**

Following the adoption of the presidential system of government first under the Constitution of the Federal Republic of Nigeria in 1979, subsequent constitutions

(1989; 1999) have also retained the presidential system. This section examines the provisions of these constitutions as they relate to the office, structure, election, power and the composition of both the Office of the President at the federal level and that of Governors in all the states of the Federation. It is important to note at this juncture that the provisions of these constitutions on these identified issues are similar. Only on few instances are certain provisions modified as would be seen in this section. All the constitutions under consideration establish the Office of the President and the presidency through their provisions for the executive powers in their Section 5.

Section 122 of the 1979 constitution provided for the office of a President for the Federation, who shall be the head of state, the chief executive of the Federation and Commander-in-Chief of the Armed Forces of the Federation. Sections 128 and 130 of the 1989 and 1999 Constitutions, respectively, are provided for such also. On the qualification for election into the office of President, Sections 123 and 129 of the 1979 and 1989 Constitutions, respectively, stated that a person vying for the office of President must be a Nigerian citizen by birth, in addition to attaining the age of 35 years. The 1999 Constitution was slightly modified, in that in Section 131, the minimum age of a person vying for the office of President was reviewed upward to 40 years. Two other criteria were included, *vis*, that such a person be a member of a political party and should also be sponsored by the party, in addition to attaining a minimum educational qualification of school certificate or its equivalent.

On election into the office of President, Sections 125 and 126 of the 1979 Constitution stated the basis of winning in a presidential election. In a single candidate election, a person must have a majority of the YES over the NO vote cast, as well as have such in not less than one-quarter of the vote cast in each of at least two-thirds of all the states of the Federation, to be returned as the duly elected president. And in a case of an election involving more than one candidate, the winner must satisfy some certain conditions such as stated in Section 126, he must have a majority of votes cast which must not be less than one-quarter of the votes cast, in at least two-thirds of all states in the Federation. And in the case where there is no clear winner, the constitution provided for a second round of election, in which a candidate who secured the highest number of votes at the election vies against one among the remaining candidates who has a majority of votes in the highest number of states. Failure to produce a duly elected President at the second round of election, the 1979 Constitution provided for elections to be held within 7 days of the result, in each House of the National Assembly, and in House of Assembly of every state of the Federation. A candidate with a simple majority of all the votes cast at such an election shall be deemed to have been duly elected as President. This third round of elections shall be conducted on the same day and time throughout the Federation. The 1989 Constitution also made similar provisions in Sections 131 and 132, but included a slight modification. In the event that there still was no duly elected President after the third round of elections, another election shall be conducted in the legislative houses (National Assembly and Houses of Assembly in all the states of the Federation) until a clear winner emerges. Also Section 133, provided for a proper computation of the two-thirds of all states of the Federation or one-third of the votes cast in a state, in the case that the results are in fractions. The figures obtained were to be rounded up to the next higher whole number.

The 1999 Constitution also has similar provisions concerning elections into the Office of the President, but differed in the facts that, it included the Federal Capital Territory, Abuja, alongside the states of the Federation where elections will be held. Also, the third round of elections is still to be held as direct elections, not by an Electoral College, as the 1979 and 1989 Constitutions provided for. It also includes that if a duly elected President does not emerge at the third round of elections, the Electoral Commission shall arrange for another election in which the candidate with the majority of votes cast, shall be the duly elected president.

On the composition of the presidency, Sections 130 and 131 of the 1979 Constitution, provided for the office and election of the Vice President, who was to be nominated by a candidate for the office of President as his associate for running for the Office of the President. That nominated candidate is deemed to be elected, if the principal, who nominated the person, is duly elected as President. Sections 138 and 139, as well as, 141 and 142 of the 1989 and 1999 Constitutions, respectively, also provided for the office and election of the Vice President. Section 136 (1) of the 1979 Constitution provides for the duties of the Vice President as whatever the President assigns to the person. It was similarly provided for in Sections 145(1) and 148 (1) of the 1989 and 1999 Constitutions, respectively.

The office of Ministers of the Government of the Federation was also provided for under Section 135 of the 1979 Constitution, as may be established by the President. The appointment of ministers is, however, subject to the approval of the Senate. The President, according to Section 136 (1) and (2), assigned roles to the ministers. The President, together with the Vice President and Ministers at regular meetings, was to determine the general direction of the domestic and foreign policies of the Government of the Federation among other things. Sections 138 and 139 of the 1979 Constitution also provided for the Office of the Attorney General and Special Advisers. The number of such Advisers, their remunerations and allowances were to be prescribed by law or by a resolution of the National Assembly. Sections 144 and 145 of the 1989 Constitution had similar provisions, as well as, Sections 147 and 148 of the 1999 Constitution, on the establishment of the office of Ministers and their duties, while Sections 147 and 150 of the 1989 and 1999 Constitutions, respectively, had similar provisions on the Office of the Attorney General. Section 148 (2) of the 1989 Constitution, which provided for the Offices of Special Advisers, was modified in that the number of advisers was fixed at three and their remunerations and allowances as prescribed by law or by the resolution of the National Assembly, but must not exceed the amount prescribed by the National Revenue Mobilization Commission. However, Section 151 (2) of the 1999 Constitution reverted to the provisions on the Office of Special Adviser as enshrined in the 1979 Constitution.

Sections 5 of the three constitutions under review vested executive powers of the Federation on the President and may either be exercised directly through him, or indirectly through the Vice President or Ministers of the Government of the Federation or other officers in the Public Service of the Federation. These powers cover the execution and maintenance of the constitution, all laws made by the National Assembly and all matters with respect to which the National Assembly has

the power to make laws. Also under Section 161 of the 1979 Constitution, the President was vested with power to pardon an offender; however, such should be in consultation with the Council of State. Sections 173 and 175 of the 1989 and 1999 Constitutions, respectively, made similar provision.

## **Office of the Governor: Elections, Powers and Composition of the State Executive**

As it relates to the state, Sections 162, 174 and 176 of the 1979, 1989 and 1999 Constitutions established the Office of the Governor of a state of the Federation as the chief executive of that state. As such, Section 5 of the three constitutions vested executive powers of a state in the Governor, which can either be directly exercised by him or indirectly by the Deputy Governor or Commissioner of the Government. This power extends to the execution and maintenance of the constitution, all laws made by the House of Assembly of that state, and all matters with respect to which the House of Assembly has power to make laws.

On the qualification for the Office of Governor, the 1979 Constitution, prescribed a person of Nigerian citizenship by birth and not less than 35 years of age. The 1989 Constitution, in section 175 reviewed the age downwards to 30 years, while the Nigerian citizenship criterion remained. The 1999 Constitution, however, in Section 177, reverted the age qualification to 35 years, while it retained the citizenship qualification. In addition, it prescribes that such a person vying for the Office of Governor be a member of a political party and be sponsored by the party. It also included the required minimum educational qualification as the school certificate or its equivalent. Suffice to say that all other provisions as it relates to the office, structure, composition and election of the President of the Federation are applicable to those of the Offices of the Governor of the states of the Federation.

## **Power Politics in the Second, Third and Fourth Republics**

The power dynamics among the three organs of government in Nigeria depends on the constitutional provisions and practice as reflected in the three Republics under consideration. In the exercise of governmental powers, particularly under presidential democracy that featured prominently in these Republics, there is no absolute separation of powers. The relationship that exists among legislative, executive and judicial branches of government in the discharge of their constitutional duties reflects the power politics predominant in each epoch of Nigeria's political history.

The 1979 Constitution, which established the Second Republic, was unique in various ways. The constitution, unlike the Independence and 1963 Republican Constitutions combined the real and formal authorities in the office of an executive president or governor at the state level. Thus the conflict which could ensue from the

division of powers under the cabinet system was taken care of. The provision of the constitution that the President and the Governors be directly elected for a fixed period paved way for the most popular candidate among several contestants to emerge as the winner. It was also a major step in the promotion of responsible democratic governance. Under this presidential constitution, there was a clear definition of functions, powers and interrelationships of the three arms of government. This was meant to promote harmonious relationship with legal basis for efficient administration of the country among the branches of government.

In addition, members of the cabinet were to be individually responsible for their actions to the President or Governor as the case may be. There was no absolute power for the President or Governor as there was provision for the application of federal character in the composition of the government and any of its agencies. Also the Senate or House of Assembly must approve the appointments of other unelected political office holders. The power of the President is also limited over the declaration of state of emergency and could not dissolve a state house of assembly. To address corruption problem in Nigeria, the constitution established some corrective institutions, for example, Code of Conduct Bureau, Public Complaints Commission and Corrupt Practices Tribunal. The constitution forbade a state religion and encouraged secularism due to the heterogeneous nature of the country.

The constitution made provision for the formation of national political parties to correct the mistake of the past; whereby, parties were organized and operated on ethnic or regional basis. The principle of separation of powers provided the opportunities for each organ to discharge its constitutional duties without undue interference. To forestall undue harassment and intimidation suffered by people in the hands of local/regional policemen in the First Republic, the constitution unified the country's police force. The last but not the least unique change brought about by the 1979 Constitution is the provision for a pensionable appointment for a person who has held office as President and was not removed from office as a result of impeachment.

According to the 1979 Constitution, the President in his wisdom could, if he wished, assign to the Vice President or any Minister of the Federal Government responsibility for any business, including the administration of any department (Adamolekun 2004). In exercising the executive power vested in him, then, the President was expected to rely to a fairly significant extent, on the cabinet, which had to meet regularly to perform specified functions. This idea of a presidential government functioning as a quasi-cabinet government is one of the major differences between the Nigerian presidential system and American model to which it is commonly compared. A second distinguishing feature of the Nigerian presidency was the fact that the constitution formally required the President to obtain advice from, or consult with, certain 'executive bodies' before making decisions on certain issues. The executive bodies were the Council of State; the Federal Civil Service Commission; the Federal Electoral Commission; the Federal Judicial Service Commission; National Defence Council; the National Economic Council; the National Population Commission; the National Security Council; and the Police Service Commission.

Suffice to say that the constitution was not specific enough on the expectations concerning the character and ability for aspirants to leadership positions. It failed to assign any role to the offices of the Vice President and Deputy Governor as the President and Governor were authorized to assign responsibilities to them at their own discretion. In the Second Republic, some Deputy Governors fell out with their Governors shortly after swearing-in and taking oath of allegiance and oath of office. This accounted for their redundancy throughout the remaining period of their tenure of office. In Ondo State, Chief Akin Omoboriowo, the then, Deputy Governor to Governor Michael Adegunle Ajasin left Unity Party of Nigeria (UPN) to join National Party of Nigeria (NPN) partly as a result of conflict between him and the Governor. Chief Omoboriowo later contested the 1983 gubernatorial election in the state and won. The electoral victory was challenged in the court by his former boss, Chief Ajasin. In Kano State, the Deputy Governor was reportedly impeached for what is termed as 'political misconduct' in the Report of the Political Bureau (1987: 95). Likewise in the present political dispensation, several Deputy Governors had suffered the same fate. Such trends had been observed in the Fourth Republic. For example, in Lagos state, Mrs. Bucknor Kofoworola Akerele, the then Deputy Governor to Chief Ahmed Tinubu, was removed and in Osun state, Chief Iyiola Omisore, the then Deputy Governor to Chief Bisi Akande, was also removed.

The executive was given wide range of powers vis-à-vis other organs; thus, making the executive the most obvious organ with powers that could quite easily be abused. It is not surprising that in spite of the checks and balances, the chief executive still had enough room for dictatorial actions. Likewise, the impeachment clause was abused by the legislature in situations where different parties controlled the legislature and the executive. A good example was the removal via impeachment of former Governor of Kaduna State, Alhaji Balarabe Musa on June 23, 1981. The results of the gubernatorial elections held on July 28, 1979, showed Alhaji Musa; who contested on the platform of the People Redemption Party (PRP), defeating Alhaji Lawal Kaita, representing the National Party of Nigeria (NPN). The results of the House of Assembly elections created a serious dilemma in that the NPN won almost two-thirds of the seats (64 out of 99 seats) in the Kaduna Assembly. With ideological differences of the PRP and NPN, it is not difficult to come to the conclusion that the chief executive was destined to become embroiled in a bitter conflict with the legislative house dominated by another party. It was observed that 'the House of Assembly, on four occasions, rejected the lists of Commissioners sent to it for approval by Governor Musa while he, in turn, refused to bargain and negotiate with the legislature' (Akinsanya 2005: 176). Although, the executive was not provided with the atmosphere conducive to function effectively, the chief executive could abuse his veto power particularly whenever he was not in good terms with the legislators.

Granting the National Assembly the power to fix the salaries and allowances of the President and their own without any restraint left the executive at the mercy of the legislators. The federal character principle which featured prominently in the constitution had little or no respect for merit, thus, leaving the country's public service in the hands of those who might not be competent enough to promote

efficiency and effectiveness in their various offices. More fundamental is the encouragement of a winner-takes-all situation provided by the constitution, as there was little room for consensus. This led to some bitter rivalries among political actors and was responsible partly for the demise of the Second Republic. Although several factors could be attributed to the fall of the Second Republic in Nigeria, Adamolekun (2004) points out:

...the strong leadership expected from the presidency was not forthcoming because the kind of competitive politics that emerged was different from what the constitution makers had expected.

The Third Republic rested mostly on the 1989 Constitution. Significantly, there were no fundamental changes to the 1979 Republican Constitution as earlier mentioned except for certain provisions included in the 1989 Constitution. In fact, the constitution retained the executive presidential system of government as in the 1979 Constitution. Likewise, it included provisions concerning fundamental objectives and directive principles of state policy, bicameral legislature at the federal level and unicameral at the state and local levels, a separate judiciary that was generally vested with judicial power and similar court structure. The few changes introduced by the constitution include the following:

- A two-party system was entrenched in the constitution as against the multi-party system adopted in the Second Republic. In view of this, the government formed two major political parties, namely, Social Democratic Party (SDP) and National Republican Convention (NRC) to contest in elections that supposed to usher in the Third Republic in 1993.
- For the first time in the history of constitution making in Nigeria, the 1989 Constitution stipulates that a person shall not be qualified to be elected as legislators in the National Assembly and House Assembly of each state 'if he has not been educated up to at least school certificate level or its equivalent' (Sections 63(2) and 104). This applies mutatis mutandis to the posts of President, Vice President, Governor and Deputy Governor. Thus the secondary school certificate became the minimum educational requirement to qualify anybody aspiring to occupy state and national political positions.
- The number of senate members from each state was reduced from five to three and one to be elected from the FCT, Abuja. The constitution recognizes 21 states including Akwa Ibom and Katsina states that were created in 1991 and the 19 existing states. The House of Representatives was to have a total membership of 453 including three representatives from the FCT. Twice the number of representatives for each state in the House of Representatives constituted the total membership of each state House of Assembly. It should be pointed out that the constitution provides that the FCT, Abuja would not be regarded as the state.
- Legislators were to be regarded as part-time workers who were all to receive only sitting allowances. Also, there was provision for recall of any legislator who no longer enjoyed the confidence of the electorate.
- The constitution accorded greater prominence to the autonomy and democratization of the local government. For instance, there was an increase in the number

of local governments (additional 140 local governments were created), direct election of the Chairman as the chief executive its deputy and councillors and direct allocation of revenue to local government from the federal consolidated funds as well as from the state government.

- To forestall the crisis arising from the ‘two-thirds’ controversy of the 1979 presidential election, the constitution made provision for fractions arising from the computation of votes to be rounded up to the next whole number.
- Existing local government areas were enshrined in the 1989 Constitution for the first time. States lost their power granted by the 1979 Constitution to adjust the number and boundaries of local government areas as such action according to section 9(3) of the 1989 Constitution require constitutional amendment. The constitution also established traditional councils.

The 1989 Constitution, it has to be noted was merely promulgated and operated in piecemeal. It did not come into operation at all levels of government due to absence of full democratic governance in the country. In the constitution there were provisions for the coming into force of some sections from time to time and the whole constitution to come into operation as from October 1, 1992. It was observed that while civilians operated as governors at the state level, and the elected national and state legislatures existed in a vacuum (due to lack of real legislative powers), the military held on to power at the federal.

The interest of the then military president – General Ibrahim Babangida (now rtd.) – affects the electoral outcomes that would have established the Third Republic. The creation of two political parties was seen as a grand strategy for the perpetuation of Babangida’s military rule. After the presidential election was held on June 12, 1993, he nullified the results midway through various calculated steps. Prior to the election, there was an attempt to stop the elections through a state-sponsored, albeit illegal organization, called Association for Better Nigeria’ (ABN) led by Senator Arthur Nzeribe. The Association on June 10, 1993, got a 9:30 pm-injunction of an Abuja High Court stopping the election from holding as scheduled (Adedokun 2005: 457). In short, the absence of political will on the part of the military class to relinquish power to their civilian counterparts was responsible for the non-implementation of the 1989 Constitution and the truncation of the transition programmes that supposed to usher in the Third Republic.

Although, as mentioned earlier, the 1989 constitution was not allowed to operate, there was an attempt by the Abacha military regime to draft another constitution that would usher in another republic. The regime took the first step at constitution drafting by instituting National Constitutional Conference Commission in January 1994, which organized election into the Constitutional Conference. By June 27, 1994, General Sani Abacha inaugurated the conference in spite of the wide criticisms from the Nigerian populace. The conference produced a draft constitution in 1995, which was not debated nor ratified by the representatives of the people. Nevertheless, the constitution provided bedrock for the political transition programme adopted by the Abacha military regime. Some of the far reaching changes recommended in the 1995 draft constitution that are still point of reference

in the contemporary Nigeria's constitutional history include the division of the country into six geopolitical zones for the purpose of power sharing, particularly, at the federal level. The six zones include North Central (NC) with the zonal headquarters at Jos (Plateau state), North East (NE) with zonal headquarters at Maiduguri (Borno state), North West (NW) with zonal headquarters at Kaduna (Kaduna State), South East (SE) Zone with the zonal headquarters at Enugu (Enugu State), South-South (SS) Zone with the zonal headquarters at Port-Harcourt (Rivers State) and South West (SW) Zone with the zonal headquarters at Ibadan (Oyo state). Also, the introduction of 'rotational power sharing formula' for the offices of the President, Vice President, the Speaker of the House of Representatives and Senate President, Deputy Speaker and Deputy Senate Leader. In other words these offices are to be shared and rotated among the six geographical zones. It is significant to point out that this formula, upon its adoption, was domesticated at both state and local government levels. The establishment of Federal Character Commission and the composition of the federal cabinet in proportion to the votes won by each political party at the polls was part of the recommendations.

The constitutional conference that made the above suggestions attempted to evolve a true federalism. Besides, the conference called for the termination of military rule by 1996. This call garnered much impetus from the people. Thus, on the basis of the draft constitution of 1995, Abacha announced a transition programme for the restoration of democratic governance by October 1998. To implement this transition programme, the Abacha military regime put in place two agencies under its supervision. These agencies are (i) the Transition Implementation Commission and (ii) National Electoral Commission of Nigeria (NECON). Although elections were conducted into local government councils nationwide and the same happened in respect of state houses of assembly as well as the National Assembly, none of these bodies was allowed to operate. The wanton desire of General Sani Abacha to succeed himself and the war declared against the opposition groups led to grave violation of human rights and the consequent international sanctions. Nigeria was almost turned into a pariah state as a result of this. For instance, Nigeria was suspended from the British Commonwealth of Nations, and there were series of economic sanctions from different countries of the world.

Before the sudden death of General Abacha on June 8, 1998, his regime created six additional states, namely, Bayelsa (SS), Ebonyi (SE), Ekiti (SW), Zamfara (NW), Gombe (NE) and Nasarawa (NC) in 1996. It was also under his regime that five political parties on whose platforms elections were conducted. These parties include: United Nigeria Congress Party (UNCP), the Grassroots Democratic Movement (GDM), the Democratic Party of Nigeria (DPN), National Centre Party of Nigeria (NCPN) and Congress of National Consensus (CNC). This is a deviation from the two-party system instituted by the 1989 Constitution. These parties were dissolved as soon as the head of state (the only presidential candidate endorsed by all the parties) died.

As soon as General Abdulsalami Abubakar was sworn in to take over from late General Abacha, he announced a new transitional programme drawn to terminate on

May, 29, 1999. As part of the transition programme, new military administration decided to draw and launch a new constitution, organize free and fair elections, redeem the battered international image of the country and bring out national reconciliation. The Abubakar led administration scrapped the existing political parties referred to as 'five fingers on a leprous hand', cancelled the controversial local government, state and national assembly elections and released many political detainees. The regime also established a new electoral body, the Independent National Electoral Commission (INEC) headed by Ephraim Akpata. A 23-member Constitution Debate Coordinating Committee (CDCC) headed by Justice Niki Tobi was inaugurated to debate on the 1995 draft constitution. The report of this committee formed the basis on which the 1999 Constitution was made in 1998 to usher in the Fourth Republic.

The powers of the Federal Republic of Nigeria according to 1999 Constitution are shared among the three organs of government. These organs are established to exercise these constitutional powers at the federal and state levels and implicitly at the local government level. The legislative powers at the federal level are vested in a National Assembly consisting of a Senate and a House of Representatives. Unlike the bicameral legislature at the centre, each state has a House of Assembly vested with the legislative powers at the state level. Mainly, these legislatures are empowered by the constitution among other things to make laws for the peace, order and good government both at the federal and state levels. The executive powers at the federal and state levels are vested in the elected President and Governor, respectively. Meanwhile, according to Section 6, the judicial powers are vested in those courts recognized by the constitution.

The 1999 Constitution, notwithstanding the observed flaws and criticisms levelled against it and its drafters, provides a legal and constitutional framework in this new political dispensation dubbed 'the Fourth Republic'. With the adoption of the presidential system of government, there is a room for individual and not collective responsibility for good or bad deeds done while in office especially by the elected President or Governor. The constitution as indicated earlier makes provision for amendment which makes it possible for people to demand for constitutional reform. The constitution is criticized on the ground that it promotes unitarism in a federal system. For example, the Federal government appoints both federal and state judicial officers. In addition, issues of revenue generation and sharing, as well as secularity are not adequately addressed. The constitution is very weak on the issue of human rights and the guarantee of socio-economic rights; it does not properly address how to put the army under civilian control and the autonomy of the local governments are not constitutionally guaranteed. Furthermore, observed that:

The structures set out by the ( 1999) Constitution are strongly criticized. The institution is said to provide the shortest cut to dictatorship. It does not give room for a decentralized state.

Since then, several attempts had been and are recently being made to review the constitution by the former President, Chief Olusegun Obasanjo, by the late President Musa Yar'Adua and by the incumbent President Goodluck Jonathan.

## Evaluation of Executive Power Vis-À-Vis the Legislature

Executive-legislative relations in terms of exercise of political authority in most democracies are often characterized with conflict, cooperation, hostility and complicity. In Nigeria, cases of executive-legislative clash of powers and interests are numerous in Second and Third Republics as well the present Fourth Republic. Although the constitution provides for clear separation of powers between the legislature and the executive in particular, it also endows the National Assembly with adequate powers to control the executive. In fact, one of the strongest weapons provided for in all the presidential constitutions to the legislature to check the excesses of the executive is that of impeachment, the *raison d'être* was to serve as a last resort for gross misconduct unbecoming of the holder of such high office. The 1979 Constitution in its provisions in Sections 132 and 170 spelt out in detail the procedure necessary for impeachment. This weapon was successfully used to remove former Governor of Kaduna and Deputy Governor of Kano state in the Second Republic as earlier mentioned. Even, recently, 2 days after resigning from office, Mr. Chris Alozie Akomas the Deputy Governor of Abia state was impeached by Abia state House of Assembly on August 2, 2010. As Aiyede (2005:75) noted, 'the military regimes did not only fuse legislative and executive functions; they also institutionalized a system and culture of government that was extremely executive-centered'.

The executive presidential system in Nigeria, since its adoption in 1979 and up till now, has become an interplay of the executive and the legislature, with the judiciary holding the balance of power. This presidential model is designed to prevent executive dominance and emergence of one party state, which characterized most parliamentary regimes. Regarding the legal frameworks for the executive-legislative relations, the 1979, 1989 and 1999 Constitutions are very instructive; both at the federal and state levels. The legislation, execution and adjudication are vested in separate but interdependent organs. Under the presidential constitution of 1999, legislative powers and functions are vested at the federal level in a bicameral legislature – the Senate and House of Representatives – while the execution of laws so made and of the constitution is vested in the President and other executive functionaries and bodies. The rule – adjudication role is left for the judiciary. At the state level, there is a unicameral legislature – the House of Assembly – for the exercise of legislative powers while the executive comprises of the Governor and other functionaries. It needs to be pointed out that the exercise of the state executive powers is subject to the provision of any law made by the National Assembly. The same, *mutatis mutandis* applies to the present 36 states of the Federation and the Federal Capital Territory (FCT) under the 1999 Constitution.

While it is obvious that the legislative and executive bodies are kept separate, none can operate effectively without the cooperation of the other. To forestall the tyranny of any organ, a system of checks and balances is provided for. By implication, both the legislative and executive arms have specific but restricted legal authorities. On one hand, some of the areas in which the executive depends on the

legislature or the check of the former by the latter covered by the three constitutions include lawmaking and execution, budget approval, oversight, appointment of executive nominees and tenure security of the chief of executive – President and the Governor. On the other hand, since executive-legislative relations are not unidirectional, the executive also has various ways of putting the legislature in check, thus balancing the control of the legislature over it. Some of these include policy formulation, initiation of bills and proposals, power of veto, and control of legislative staff. It is significant to point out that the main essence of separation of powers doctrine and the principle of checks and balances in the context of executive-legislative relations is not aimed to promote conflict between the two arms of government but to egg on the running of government on the basis of wide consensus and fair concern for all interests involved.

In practice, when the presidential system was introduced in Nigeria in the Second Republic, there was an expectation that it would ensure a stable polity and reduce legislative-executive acrimony. This Republic witnessed a lot of squabbles between the executive and legislature. These were not unrelated to anxiousness on the part of the two bodies to assert and guard their autonomy. Immediately after the civilian government of President Shehu Shagari was sworn in, one of the earliest tests of executive-legislative relationship was the issue of ministerial appointment (Awotokun 1988). Prior to the accord between NPN, which as a dominant party could not enjoy simple majority in the National Assembly (having won 36 out of 95 legislative seats and 168 out of 499 House of Representatives seats) and NPP broke down, the appointment of some Ministers was relatively easy, except that of Chief Richard Akinjide of NPN (Awotokun 1988). The nomination of Chief Akinjide by Shagari's administration was rejected by the Senate, whose confirmation was needed before the executive could make any appointment. The resubmission of his name for consideration generated the uproar between NPN/NPP coalition government and other three political parties in the Senate. The furor that greeted the nomination of Chief Akinjide as a Minister was described by Awotokun (1988: 98) as 'a clear manifestation of extreme and dogged partisan politics in the Senate at its inception in 1979'.

Other issues that generated conflicts between the legislature and the executive in the Second Republic include, the Supplementary Appropriation Bill of 1979/1980, which the executive submitted to the National Assembly for approval after it had spent the money, fixing of legislators' salaries by the legislature before the intervention of National Economic Council (NEC) and the Electoral Bill of 1981 introduced by the executive but put aside by the Senate unapproved (Awotokun 1988, Madunagwu and Oche 1992). It should be mentioned that at the State level, the experience was the same especially where the party that produced the Governor was not in control of the legislature. As pointed out earlier in this paper, the rivalry between the legislature and the executive led to the impeachment of Governor Balarabe Musa of PRP by the NPN dominated House of Assembly in Kaduna State. In other States, the executive dominance of governmental affairs was firmly established owing to one party nature of most state legislatures.

In the aborted Third Republic, the military executives in place under General Ibrahim Babangida (Rtd.) did not allow the National Assembly and the State Houses of Assembly to enjoy the autonomy they deserved. The annulment of June 12, 2003, presidential election results and the subsequent weak executive put in place under Chief Ernest Shonekan as well as the seizure of power by General Sani Abacha (late) were major factors that truncated democratization attempt in this Republic. In the present political dispensation, which begun in 1999, cases of executive-legislative antagonisms are not very different from those experienced in the Second Republic. Regarding the executive and legislative relations in the Fourth Republic, Aiyede (2005:75) identified three major forms of conflicts at the national level. According to him:

The first is underlined by a struggle for prestige and influence by each arm of government. The second relates to the conflicts arising from opposition perception of powers and roles by each arm in the functioning of separation of powers under the presidential system. The third arise from disagreement over issues of policy and the effort by each arm to enforce its preference.

While subscribing to this assertion, it is necessary to add that the centrist nature of the Nigerian political economy that allows the federal executive to take charge in virtually every sensitive political and economic issue is another explanation for the executive-legislative squabbles. Since 1999, most legislative bodies had sought one way or the other to free themselves from the financial string of the executives, and various attempts to achieve this have put legislators at all levels at crossroad with the chief executives. For example, in 2003, the controversial furniture allowance did not only generate conflict between the National Assembly and the then President, Chief Olusegun Obasanjo, but also pitched the legislative houses against the media and the public at large. The President accused the legislators of seeking to self-enriched themselves by asking for allowance between 3m and 5m to furnish their official quarters. Although the furniture allowance was later disbursed to each legislator (the exact amount given was not officially disclosed), the indictment laid the foundation for other disagreements that ensued between the two branches of government (Lafenwa 2006).

One of the major issues that often generated controversy between the legislators and the executive Governors is the issue of Appropriation Bill and supplementary Appropriation Bill in terms of delay in passage and inclusion of certain conditions by the legislature, which always infuriate the executive arm. For instance, the three conditions attached to 2001 Appropriation Bill by Oyo State House of Assembly made Governor Lam Adesina (late) to withhold his assent of the Bill for several days. The House apart from increasing the budget from N20.1bn to N20.4bn added a clause that its Appropriation House committees would be 'inspecting, monitoring, evaluating, supervising and certifying the proper completion of all contracts before final payment is made' (Lafenwa 2006: 266). Also the House further directed that 'the total overhead cost and quarterly capital expenditure of the House shall be released to it at once' (ibid.). The Governor later signed the Bill into law after private negotiation that led the House to drop the last two conditions.

More importantly, the federal legislature was at loggerhead with the executive on the issues relating to budgetary allocation for the development of legislative infrastructures, constituency allowance for each legislator to make direct impact in his/her constituency, the passage of Niger-Delta Development Commission Bill (which

was initially vetoed by the executive but later passed by the National Assembly with two-third joint majority votes), and anticorruption programme of former President Obasanjo among others (Aiyede 2005, and Omotola 2006). The executive-legislative squabbles reached its climax at the federal level when impeachment threats were made against former President Obasanjo by the National Assembly on August 13, 2002. In 2006, the National Assembly thwarted the attempt made by Chief Obasanjo and his supporters to amend Nigeria's constitution so that Obasanjo could prolong his term in office.

At the state level, the incessant executive-legislative conflicts led to the impeachment of the following Governors between 2003 and 2007: Chris Ngige of Anambra State (impeachment was nullified by the Court), Chief Rasheed Ladoja of Oyo state (later reinstated to spend 11 months in office), Chief Diepreye Alamieyeseigha of Bayelsa state, Ayodele Fayose of Ekiti state and Joshua Dariye of Plateau state (he was suspended and later reinstated) in controversial manners. In the case of Ekiti and Plateau States, the federal executive with the approval of the National Assembly imposed 6 months emergency rule due to attendant civil disturbances. Although there were remote causes for the removal of these executive Governors including allegations of corruption and abuse of office, members of Houses of Assembly in these states were actively involved. The sarcasm of this scenario is that except in Anambra state, both the legislative houses and executives were one party dominated.

The corollary of the above foregoing is that under the presidential model adopted in the Republics under consideration, the relationship between the legislature and the executive has been frosty and acrimonious, contrary to the expectations of the drafters of 1979, 1989 and 1999 Constitutions. Bassey (2006:133) argues that the 'debacle of the two previous experiments in constitutional practice in Nigeria (the First and Second Republics) and the current seething developments in executive-legislative relations suggest a deep and ubiquitous problem rooted in our political culture'. It has to be pointed out that this is dangerous for democratic governance in Nigeria. However, it is not proper to advocate for a cooperative democracy in which any of the organs would dominate or be subservient to others at the expense of public interests. It is in order if the principles of separation of powers, checks and balances and rule of law are fully operated to the benefits of all concerned.

Although, the executive-legislative friction has reduced, particularly at the federal level since President Goodluck Jonathan Administration took off. It not a surprise considering also the important role played by the legislature in the emergence of the President following the period of uncertainty the country faced all through the period of illness of late President Yar'Adua and after his untimely death.

## **The Collapse of the Republics**

The demise of the Second Republic was accelerated by the tension generated by the 1983 general elections which were similar to those of 1964–1965. In several places, violence erupted, and every election was contested in court. A number of the

electoral verdicts were rescinded in view of evidence that results were falsified. Under these circumstances the military intervened on the last day of December 1983. The insincerity and lack of political will obviously demonstrated by the Babangida's military regime, with the annulment of June 12, 1993, presidential election resulted into the collapse of the Third Republic. The long years of democratic transition that would have culminated in the Third Republic was eventually truncated in November, 1993, when General Sani Abacha (late) seized power via a palace coup.

In Nigeria, prior to 1999, there were myriad problems facing democratization process, some of which were identified by her past leaders as reasons for the collapse of the past Republics. When the first civilian regime was toppled in 1966, Major Chukwuma Kaduna Nzeogwu said:

Our enemies are the political profiteers, the swindlers, the men in high and low places that seek bribes and demand ten percent... those that have corrupted our society and put the Nigerian political calendar back by their words and deed. (Onaolapo 2005:10)

The maiden speech of General Muhammad Buhari after the sack of Alhaji Shehu Shagari led civilian administration reads in part:

It is true that there is a worldwide economic recession. However, in the case of Nigeria, its impact was aggravated by mismanagement... The situation could have been avoided if the legislators were alive to their constitutional responsibilities. Instead, the legislators were preoccupied with determining their salary scales, fringe benefits and unnecessary foreign travels, et al, which took no account of the state of economy and the welfare of the people represented. (Onaolapo 2005:11)

In another speech delivered by the head of the military government that assumed power on December 31, 1983, Nigerians were informed that "an inept, purposeless and insensitive leadership was responsible for the gross mismanagement of the nation's resources" (Adamolekun 2004:154). These challenges were identified by late General Murtala and General Ibrahim Babangida (rtd.) after the overthrow of General Gowon and General Buhari's military governments, respectively. In the inaugural speech of the Political Bureau delivered by the then military president General Ibrahim Badamasi Babangida on the January 13, 1986, some of these challenges were considered as the justifying factors for military intervention. Babangida affirmed

Invariably military administrations have come about as a result of bad government; indeed our present economic predicament can be attributed to the nature and practice of partisan politics. It has contributed, in part, to the increasing cynicism and apathy of individuals, economic mismanagement as well as apparent social chaos and disorder in our society. (Report of Political Bureau 1987:229)

Bad governance, poor leadership, foreign and local debts, infrastructural decay, loss of societal values, bad foreign image, corruption, legitimacy crisis, protests and strikes were some of the credits of 29 years of military interregnum in Nigeria. It was pointed out in the USAID Report on Nigeria for 2007 that Nigeria has not yet overcome the legacy of military rule. The challenges now, according to the report, are "to struggle to consolidate democratic institutions and the rule of law, reduce rampant corruption and boost public confidence in the democratic transition"

(International Republican Institute Report 2007). However, it has to be pointed out that the military is no better immune to the pressures and motivations which adversely affect the behaviour of civilian politicians.

The restoration of constitutional rule in May 1999 heralded the new democratic order in which the numerous challenges of democratic governance and development facing Nigeria were expected to be effectively addressed. These challenges, peculiar to developing African countries, Nigeria not exempted, include, according to Ibeanu and Egwu (2007:4):

Strengthening the basic institutions of democracy and governance such as the legislature; the sanctity of separation of powers and the rule of law; reducing corruption in the public and political spheres; transparency in the electoral system and the conduct of free and credible elections.

Even President Umaru Yar'Adua (now late) confirmed the challenges of Nigeria's nascent democracy thus:

As a nation, one of our greatest challenges has been the evolution of a culture of disrespect for the rule of law... unbridled corruption, endemic crime, violence, infrastructural deficit and a general malaise in the polity. All these constituted a direct manifestation of disrespect for law and order. (Aondoakaa 2007:143)

Without mincing words, it is glaring from the above testimonies that corruption is a huge recurring challenge in the management of the public space in Nigeria. Today, it has become a defining characteristic of both military and civilian regimes and described as the core of the crisis of governance, the establishment of a stable democratic order, rule of law, development and the welfare of citizens. Indeed, it is the bane of democratic governance. Diamond (1993:158) pointed out in his work on Nigeria's perennial struggle:

No problem, however, is more intractable and more threatening to the future of Nigerian democracy than political corruption. The oil boom has given dramatic boosts to corruption, ostentatious display, and sheer waste.

It is expected that most of these challenges be adequately attended to, in order to forestall the possibly collapse of the Fourth Republic. Political actors occupying executive, legislative and judicial offices are expected to play by the existing provisions in the constitution. The civil society is also expected to be an active player in the smooth conduct of democratic governance.

## References

- Adamolekun, L. (2004). *Politics and Administration in Nigeria* Ibadan: Spectrum, (rep.).
- Adedokun, S. (2005) "The Military and the General Elections of 1993 and 1999" in Adeoye A. Akinsanya and John A. Ayoade (Eds.), *Readings in Nigerian Government and Politics*, Nigeria: Gratia Associates International. pp 446–469.
- Agbodike, C. (1998). Federal Character Principle and National Integration. In Amuwo, K., Agbaje, A., Suberu, R., Herault, G. (Ed.), *Federalism and Political Restructuring in Nigeria* (pp. 180–188). Ibadan: Spectrum Books.

- Aiyede E. R. (2005). Executive- Legislative Relations in Nigeria's Emerging Presidential Democracy. *UNILAG Journal of Politics*, 2(1): 65–87.
- Akinsanya, A. A. (2005). The judiciary and Interpretation of Aspects of the 1979 Constitution 1979-1983. In Adeoye A. Akinsanya and John A. Ayoade (Eds.), *Readings in Nigerian Government and Politics* (pp 163–189), Nigeria: Gratia Associates International.
- Anifowoshe, R. (1999). The Structure and Organization of Government. In Anifowoshe Remi and Enemu Francis (Eds.), *Elements of Politics*. Lagos: Malthouse Press.
- Aondoakaa, M. K. (2007). Understanding the Concept and Application of the Rule of law in the Fight against Corruption. Paper presented at the 2007 Senate Retreat, Presidential Hotel, Port Harcourt, Nigeria, 28th October–2nd November, 2007.
- Appadorai, A. (1975). *The Substance of Politics (Eleventh Ed.)*, Oxford: Oxford University Press.
- Awotokun K. (1988). Legislative – Executive Relations: Case Studies. In Victor Ayeni and Kayode Soremekun (Ed.), *Nigeria's Second Republic: Presidentialism, Politics and Administration in a Developing State*, Apapa: A Daily Times Publication.
- Bassey, C. O., (2006). Legislative-Executive Relation And The Future Of Democracy in Nigeria. In Ojo, E. E. (Ed.), *Challenges of Sustainable Democracy in Nigeria* (pp 127–139). Ibadan: John Archers Publishers.
- Diamond, L. (1993). Nigeria's Perennial Struggle. In Larry Diamond and Marc F. Plattner (Eds.), *The Global Resurgence of Democracy*, Baltimore and London: The Johns Hopkins University Press.
- Heywood Andrew. (2007). *Politics*(3rd ed.) New York: Palgrave Macmillan
- Ibeanu Okechukwu and Samuel Egwu. (2007). *Popular Perceptions of Democracy and Political Governance in Nigeria*. Abuja: Centre for Democracy and Development.
- International Republican Institute. 2007 Election Observation in Nigeria. April 2007
- Lafenwa, S. A. (2006). *The Legislature and Democratic Governance in Southwestern Nigeria, 1999-2003*. A PhD thesis submitted to the Faculty of the Social Sciences, University of Ibadan.
- Madunagwu M. O. and O. O. Oche (1992). The Legislature. In T. A. Imobighe (Ed.), *The Politics of Second Republic*. Kuru: National Institute of Strategic Studies.
- Nwabueze, B. (2004). *Constitutional Democracy in Africa*, Volume 4, Ibadan: Spectrum Books.
- Omotola J. S. (2006). Impeachment threats and Nigeria's Democracy. In Ojo E. O. (Ed.), *Challenges of Sustainable Democracy in Nigeria*. Ibadan: John Archers Publications.
- Onaolapo Soley (2005). Democratic Sustenance in Nigeria and the Challenges of Retired Generals. A commemorative lecture delivered on 5th February, 2005 at LAUTECH Ogbomosho.
- Oshewolo S. (2012). Structure and Organization of Government. In Rotimi Ajayi and Yinka Fashagba (Eds.), *Introductory Text in Political Science* (pp 133–158). Nigeria: Landmark University, OmuAran.
- Oyediran, O. (2003). Introduction to Political Science. Ibadan: Oyediran Consults International Report of the Political Bureau (March 1987). Abuja Directorate for Social Mobilization.
- Roskin Michael G, Robert L. Cord, James A. Medeiros and Walter S. J. (2008). *Political Science: An Introduction*. US: PrenticeHall Pearson Education International
- The Constitution of the Federal Republic of Nigeria, 1979.
- The Constitution of the Federal Republic of Nigeria, 1989.
- The Constitution of the Federal Republic of Nigeria, 1999.