

EVALUATION OF THE APPLICATION OF SEPARATION OF POWER IN NIGERIA: HOW APPLICABLE IS IT?

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ABSTRACT

The study evaluated the application of separation of power in Nigeria: how applicable is it. Magazines, journals, online publications, newspapers, and other documentary resources pertinent to the subject were used as secondary sources of data. Separation of powers encourages expertise among the three branches of government, avoids autocracy and abuse of power, and upholds the rule of law. The applicability of the principle of separation of power between the three arms of the Nigerian government is the concern that the study tries to solve. The study suggested that there should be effective cooperation and interaction between the three branches of government. The 1999 Constitution needs to be reviewed in light of Nigerians' contemporary issues and aspirations. There should be strict adherence to the rule of law by all the branches of government, and government organizations.

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1. INTRODUCTION

Nigeria became a sovereign state on October 1, 1960, and inherited the cabinet system of government from Great Britain. In 1979, Nigeria departed from the parliamentary system of government and started practising the presidential system of government and separation of power. Separation of power is one of the cardinal principles of Nigerian democracy which emphasizes the division of the functions of government into its three basic organs. The three basic arms of democratic states are; Executive, Legislature and Judiciary. Separation of powers is relevant because of its perceived tendency to prevent tyranny and dictatorship in a state, ensure the liberty

of citizens and avoid over-concentration of power in one arm of government. Separation of powers leads to specialization among the arms of government. The executive arm of government implements government policies and programmes, the legislature makes laws and the judiciary interprets the law/constitutions. The three arms of government are separated both in functions and in personnel. A member of the executive cannot be a member of the legislature and a member of a legislature cannot be a member of the judiciary or executive. Separation of power also has an in-built checks and balances system. The in-built checks and balances system makes it easy for the three arms of government to be careful in the discharge of the schedule of their duties. For instance, the legislature can impeach the executive if they go contrary to the constitution of the state. The judiciary can declare laws made by lawmakers unconstitutional. The chief executive (President) can refuse to assent to bills passed by the lawmakers. Bill is a proposed law.

In Nigeria's democracy, each organ of government derives its power from the constitution. One of the features of Nigeria's democracy is the supremacy of the constitution. The 1979 and 1999 constitutions of the Federal Republic of Nigeria specified the functions and powers of the three arms of the government. In a presidential system of government, the President is both the Head of State and the Head of Government and exercises real executive powers. The principle of checks and balances is applicable as a fallout of the principle of separation of powers embedded in the presidential system of government. For instance, in the United States of America, the president can veto Acts of Congress; the Legislature can impeach and remove Federal Judges and the president, while the Judiciary can declare a law unconstitutional through the process of judicial review (Ibiyemi, et.al., 200). Separation of powers which began in Nigeria's democracy in 1979 is aimed at achieving cooperation and partnership among the three arms of government, so as to ensure good governance (NILS, 2015). Separation of power leads to specialization among the arms of government and also creates some challenges in Nigeria too. The study examines how the separation of power principle is applied in Nigeria.

1.1 Objectives of the Study

- Examine the operation of separation of power in Nigeria.
- Recommend measures that will enhance the practice of separation of power in Nigeria

1.2 Theoretical Framework

The theoretical framework adopted in this study is the theory of separation of power propounded by Baron De Montesquieu. According to Anyaele (1994:110), "It was a French Political thinker and Jurist, Baron De Montesquieu who developed and popularised the principle of separation of power in his book entitled *Espirit de Lois*" which means – the spirit of law published in 1748. Political scientists that have previously discussed the idea of separation of powers include Locke, Jefferson, Rousseau, Bodin, Plato, and Aristotle. Montesquieu contended, among other things, that the three branches of government ought to be kept apart and administered by different persons in order to preserve and protect citizens' rights to liberty and freedom. Because in the absence of a division of powers, there will be anarchy, bloodshed, tyranny, oppression, and dictatorship distinct government organs should manage the tasks of enacting laws, carrying them out, and making decisions without intervention. The separation of power with its checks and balances helps to maintain the liberties of citizens and prevent tyranny and dictatorship in the state. The application of the principle of separation of power in Nigeria aims at making three organs of government work as partners in administration and governance.

1.3 Literature Review

Separation of Power in the Nigerian

A presidential form of government successfully uses the built-in checks and balances of separation of powers. The legislative branch creates laws, the executive branch carries them out, and the judicial branch interprets them under the presidential form of government. The three branches of government should not usurp authority or impede the operations of the other branches. The authorities and functions of the Legislative, Executive, and Judicial branches of government are not combined by one person or body (Ogu, 2021). In 1979, when Alhaji Shehu Shagari became Nigeria's first Executive President, the country began to implement the principle of separation of powers, complete with built-in oversight mechanisms. The roles and personnel of the three branches of government are distinct. In the general election, the voter directly elects the Executive President and the members of the legislature. In Nigeria, bicameralism is practiced at the federal level and unicameralism at the state level. The Legislature must give its consent before the President or Governors can select Ministers or Commissioners. The President will sign the legislative bills that the Legislature has approved into law. If the Executive commits an impeachable offense, the Legislature may impeach them. Laws may be declared unconstitutional by the judiciary (1979, 1999 constitution). The philosophies of separation of powers, according to NILS (2015), envision collaboration, cooperation, and partnership between the three arms of government rather than a harsh rivalry for power. The goal of separation of powers is to protect citizens' rights and keep the state from becoming a dictatorship in order to maintain good governance. Fulfilling the desires and ambitions of the people is the fundamental role of government. In Nigerian democracy, collaboration and partnership are essential between the branches of government.

Some Key Applications of the Separation of Powers in Nigeria:

Executive Branch: The President, as the leader of the executive branch, is in charge of carrying out and upholding legal orders. By allowing the legislative and judicial branches to check the executive's power, the separation of powers guarantees that the latter does not operate without restraint. Emphasizing the division of powers between the legislative and executive branches, the President is chosen separately from the legislative branch.

Legislative Branch: Legislation is the purview of the National Assembly, which is made up of the Senate and the House of Representatives. In order to prevent the misuse of power, the separation of powers guarantees that the legislative branch functions independently of the executive.

As a check on the executive branch, the National Assembly is able to examine and, if required, reject appointments made by the government.

Judicial Branch: Nigeria's judiciary, which includes the Supreme Court, interprets the law and makes sure it complies with the constitution. The judiciary's independence from the legislative and executive branches is guaranteed by the separation of powers.

The court serves as a vital check on potential abuses of power by examining the legislative and executive branches' activities to make sure they adhere to the Constitution.

Checks and Balances: With each branch having some degree of influence over the others, the separation of powers produces a system of checks and balances. For instance, the National Assembly can overturn the veto of the President with a two-thirds majority, even though the President has the authority to veto legislation enacted by the Assembly.

Importance of Separation of Power

A key idea in democratic systems is the division of powers among the several parts of government in order to guard against abuse of authority, uphold individual rights, and preserve a system of checks and balances. The following are some major justifications for why democracy needs the separation of powers:

Prevention of Tyranny: By dividing power among different branches of government (executive, legislative, and judicial), the separation of powers prevents the concentration of power in the hands of a single individual or group. This helps avoid the emergence of tyrannical rule, which is a fundamental concern in democratic societies.

Checks and Balances: The separation of powers creates a system of checks and balances, where each branch has the ability to check the actions of the others. This prevents any one branch from becoming too powerful and provides a mechanism for scrutiny and restraint. For example, the legislative branch can pass laws, the executive can veto or implement them, and the judiciary can review their constitutionality.

Protection of Individual Rights: The separation of powers helps protect individual rights and liberties by preventing arbitrary or unjust actions by the government. The judiciary, in particular, plays a crucial role in interpreting laws and ensuring that they align with constitutional principles, thereby safeguarding the rights of citizens.

Accountability: Each branch of government is accountable for its actions within the framework of the separation of powers. This accountability is essential for maintaining the trust of the citizens. If one branch oversteps its authority or engages in corrupt practices, the other branches can act as a check and hold it accountable.

Rule of Law: The separation of powers reinforces the rule of law, emphasizing that all individuals and institutions, including the government, are subject to the law. It ensures that legal processes and procedures are followed, promoting a just and fair legal system.

Stability and Consistency: The separation of powers contributes to stability and consistency in governance. It prevents rapid and arbitrary changes in laws and policies, as each branch has its own set of responsibilities and powers. This stability is essential for the functioning of a democratic society.

Prevention of Corruption and Abuse of Power: By distributing power and requiring cooperation among different branches, the separation of powers reduces the likelihood of corruption and the abuse of governmental authority. The checks and balances inherent in the system serve as a deterrent to the misuse of power for personal or political gain.

Representation of Diverse Interests: The separation of powers allows for the representation of diverse interests within a democracy. Different branches may be elected or appointed through different processes, ensuring that a range of perspectives is considered in decision-making.

Adaptability and Innovation: The separation of powers allows for a degree of independence and autonomy for each branch. This autonomy can foster innovation and adaptability, as each branch can respond to changing circumstances without being overly constrained by the other branches.

Therefore, the separation of powers principle is foundational to the functioning of a healthy State. It serves as a safeguard against the concentration of power, promotes accountability, protects individual rights, and contributes to the overall stability and fairness of the system.

Separation of Powers as Established in Nigeria

When no branch of government is in a position of superiority over the others, there is an ideal division of powers. The manner that the legislature checks the executive, the judiciary checks the legislature and the executive, and the executive checks the legislature as well, is how checks and balances should operate.

According to the Federal Republic of Nigeria's 1999 Constitution (as amended), the division of powers is a basic constitutional element in Nigeria. The federal legislative, executive, and judicial branches are covered in Sections 4, 5, and 6, respectively. There is a vertical and horizontal division of powers in Nigeria since the state legislature is vested in Sections 4(6) and (7) and the state executive is vested in Section 5 (2).

The three branches are not totally isolated from one another in Nigeria. The division of powers is not absolute or total. The fact that laws approved by the legislature can only be passed as a last resort and eventually reach the president for assent suggests that the executive branch holds more power than the legislative branch. Section 175 of the 1999 Constitution grants the president and other members of the executive branch the authority to make executive orders, such as those granting pardons or the prerogative of compassion. Section 211 has a comparable clause for the state governor (above). These authorities derogate from the judiciary's authority to inflict penalties following convictions and do not manifestly adhere to the theory of the separation of powers.

Furthermore, as stated in section 6(5), the individual heads of each constitutional court may establish rules governing the conduct and procedure of that court, subject to the terms of any Act or Law of pertinent legislative bodies. Consequently, giving heads of courts constitutional authority over rules or laws would be an exception insofar as the legislature is clearly the legitimate owner of such authority. Nonetheless, this has shown to be crucial over time.

All of these serve to highlight the fact that the Nigerian Constitution does not support the complete separation of powers that is required to maintain liberty, which must be balanced with the requirement that the various branches cooperate and rely on one another. Although this could provide

Functions of the Three Arms of the Nigerian Government

The three arms of the Nigerian government namely, Executive, Legislative and Judiciary are important.

Functions of Nigerian Executive:

The President, Governor, Ministers and commissioners can be classified as the Executive arm of government charged with the responsibility of implementing policies and programmes of the country/state. The President is the head of the Executive arm of Government. According to Ibiyemi et.al., (2001), the powers of the Executive President are as follows: The President is both Head of State and Head of Government. He appoints Ministers and other members of his cabinet (subject to the approval of the Legislature). The President nominates for approval Ambassadors and other representatives of the country in foreign countries. He enters into treaties with other countries subject to the approval of the Legislature. Apart from the above-mentioned powers/functions, the Executive President signs bills into laws, exercises the prerogative of mercy, awards National Honours to deserving citizens, attends the Head of State and Government meeting of international organisations, prepares the annual budget and present them to the National Assembly for consideration and formulates and implements the country's policies and programmes. The public service helps the Executive in policy formulation and implementation. The President may decide not to sign the bills passed by the National Assembly. The National Assembly (two-thirds) has the constitutional power to override the president's veto.

Functions of Nigerian Legislature:

The legislature is the law-making body. Nigeria operates bicameralism at the federal level and unicameralism at the state level. The bicameralism at the federal level is operated by the National Assembly. The House of Senate presently is composed of 109 senators while the House of Representatives is composed of 360 members.

The National Assembly makes laws for good governance, amend the constitution when necessary, approves political appointments made by the Executive, approves budget prepared by the Executive, approves treaties negotiated by the President, carry out oversight functions and represents/express the peoples' interests (Ogu, 2021). One of the major functions of the National Assembly is making laws for good governance. The procedure for passage of bills into law in the National Assembly is rigorous. Every bill must go through the first reading, second reading and third reading before it can be passed to the President for his/her assent. If the President refuse to sign bills into law after 30 days, the National Assembly can override the President's decision and pass the bill into law if two-thirds of the members of the National Assembly sign, thereby overriding the decision of the President (1999 constitution section 58). The National Assembly can be described as the centre of Nigerian democracy. The parliaments were the people's representatives and were directly elected by the electorates in general elections. The bills passed by the National Assembly are expected to be in line with the yearnings and aspirations of Nigerians. The refusal of any President to sign a bill into law can be regarded as controversial

Functions of the Nigerian Judiciary:

The Judiciary is the arm of the Nigerian government charged with the responsibility of interpreting the constitution and adjudicating cases. The Judiciary are the defender of democracy/human rights. The Judicial officers are not elected but they are appointed by the Executive based on their

profession. According to Ibiyemi, et.al., (200), the Judiciary interprets the law, it settles disputes between any parties-individuals, organisations and government – whether they are civil or criminal cases. The Judiciary ensures that the laws are obeyed. It determines whether a person, organisation or government is innocent or guilty, and applies penalties as appropriate. The Judiciary interprets the constitution and protects it against violation. It can declare any action of government unconstitutional and therefore null and void”. The Judicial arm of Government can also advise the two arms of Government on some sensitive matters. In short, the functions and powers of the three arms of Government are clearly stated in the constitution of the Federal Republic of Nigeria (1999 constitution as amended). The supremacy of the constitution/rule of law are the features of Nigerian presidential democracy. Separation of power which is the topic of this study aims at achieving cooperation and partnership among the organs of government so as to ensure good governance.

Imbalance of the Practice of Separation of Powers Principle in Nigeria

Perhaps not as recent as believed, a walk down memory lane shows that this blatant disrespect of the court has a rich history in Nigeria. One of these cases is the Court of Appeal’s decision in *M.K.O. Abiola v. The Federal Republic of Nigeria* where the then military government paid no regard to the court’s decision. In that case, it was an appeal against the refusal of bail which the Court of Appeal, Kaduna Division allowed and granted bail which was blatantly disregarded by the government and which eventually led to the death of Abiola. In *Lakanmi v. Attorney General Western Region*¹, the Supreme Court declared illegitimate the *ad hominem* decrees made in an attempt by the military governed to have judicial powers. This also was overruled by Decree 28 of 1970.

Again, one of the early cases of discord between the legislative and the executive arms of government in Nigeria was the scrapping of the Petroleum Trust Fund (PTF) established under Decree No. 25 of 1994 by President Obasanjo which the National Assembly viewed as a usurpation of its constitutional responsibility of making and repealing laws.

The highhandedness of the executive manifested in a total disregard for legislative summons on many occasions and the invasion of the National Assembly complex by an agency of the executive-the Department of State Services (DSS) in August 2018. This move was clearly a flagrant abuse of the Constitution.

The military governments stealthily encroached upon judicial powers during the case of Ken Saro Wiwa. The military reserved for itself the position of ultimate appeal court and under the 1987 version of the Robbery and other Special Civil Disturbances decree killed Ken Saro Wiwa on 10th November 1995.

Nigerians learned in the wee hours of Saturday, October 8, 2016, that members of the State Security Service or Directorate of State Services (DSS) had broken into the homes of a number of judges. During the aforementioned incursions, the residences of the judges were examined, and a few of them were taken into custody. It was also stated that enormous quantities of both local and foreign currency were found as a result of the search. It was only natural that the public was quite interested in this development. Although the current administration had always stated that it intended to combat corruption, some applauded the development and saw it as a positive step.

However, others denounced the action, arguing that not only did the DSS lack the statutory authority to act in this manner, but also that the raids amounted to a denigration of the judiciary as an institution. While the DSS maintained its claim that it was forced to take action because the National Judicial Council (NJC), the body tasked with upholding justice system discipline, refused to look into allegations of corruption within the judiciary, the NJC insisted that it was not under the control of any authority or organization. It was not unexpected for lawyers to be sharply divided, with some defending the DSS's actions and others denouncing them.

There has also been an antagonistic relationship between the judicial and executive branches. Legitimate court orders have been routinely ignored by the Buhari administration. Another instance of the animosity between the Buhari administration's executive and judicial branches was the suspension of Nigeria's Chief Justice, Walter Onnoghen, on January 25, 2019, as a result of a tribunal's ruling, despite several higher courts' stays of proceedings.

The year 1981 had a crisis in the Kaduna State's Legislative and Executive branches. In the 1979 general elections, Balarabe Musa of the Peoples Redemption Party (PRP) won the governorship, while the National Party of Nigeria (NPN) secured 69 out of 99 seats in the Kaduna State House of Assembly. In 1981, Balarabe Musa was eventually deposed from office as governor of Kaduna State by the NPN members of the Kaduna State House of Assembly (69) (Ibiyemi, et.al., 2001). The Federal Republic of Nigeria's 1979 constitution included provisions for impeachment. Regardless of political membership, the government's branches should constantly prioritize the interests of the people. In accordance with the rule of law, collaboration and partnership between the governmental branches can guarantee good. There are awaiting inmates who have been behind jail cells for longer periods than they will get even if they are eventually convicted for the crimes they are charged with. The Governor of Edo State, Mr. Godwin Obasaki, has solicited the support of the Nigeria Bar Association towards tackling the problems of overcrowded prisons in the state. Nothing that awaiting trial inmates accounts for the larger percentages of the prison population. (Ramon, 2008). One of the aims of separation of powers is to ensure liberty of citizens. Justice should not be delayed.

Refusal of President to Assent to Bills passed by the Parliament.

The president will assent to bills passed by the National Assembly before they become laws. If the president decides to withhold assent after 30 days, Section 58 (5) empowers the National Assembly to veto the President veto and pass such bills into law with a two-thirds majority. In June 2000, the National Assembly of Nigeria passed the Niger Delta Development Commission (NDDC) bill with over two-thirds majority, thus overriding President Olusegun Obasanjo's veto. Bills that are in line with the yearnings and aspirations of Nigerian citizens should be passed and signed into law. The actions of the National Assembly of overriding the President's veto was a welcome development by Nigerians in consonance with the 1999 constitution (as amended). In the Electoral Act (Amendment) bill 2018, the President refused to assent to the bill passed by the National Assembly. The inability of the National Assembly to muster the constitutional required two-thirds vote to veto the President's veto was considered by many Nigerians to constitute a setback in Nigeria's democracy. The bill contains many provisions that are intended to address the challenges against the conduct of transparent and credible elections in Nigeria (Yakubu and Babatunde, 2020). The National Assembly as the people's representatives should be courageous to do the needful when the need arises. The bills passed by the Nigerian Legislature should be in the best interest of Nigerians and should not be easily thrown into the dustbin. According to Elegbede, et.al., (2022):

The Electoral Act Amendment bill, signed into law on Friday by President Muhammadu Buhari will deepen democracy, checkmate rigging and allow for more participation in the electoral processes in the country. Top Nigerian politicians and organisations like Yiaga Africa that reacted to the development, added in a separate interview with Saturday Telegraph that the signing of the bill into law marked a new beginning in the Nation's democratic process, adding that it was an indication that power belongs to the people. The Electoral Act Amendment Bill 2022 was finally signed into law by the President on Friday, 26th February 2022 after several presentations by the National Assembly. The Electoral Act Amendment Bill contains issues that will help to move Nigeria's presidential democracy forward. A credible and transparent electoral process will minimize political apathy in Nigeria's democracy.

The feud between the Executive and Legislature on Budget Issues

There has been controversy between the Executive and Legislature on budget issues. According to Okoh (2018:80): There has been constant feuding between the National Assembly and the Executive. These feuds share borders on issues of the Authority to alter estimates as presented by the Executive. For instance, the Minister of Power, Works and Housing, Mr. Babatunde Fashola SAN during the 2017 budget saga alleged that his ministry's budget was tapered with an illegal project" inserted. The Executive and its supporters have held that the National Assembly has no power to alter or insert new items in the estimates. Those who belong to this school of thought partly reason that since the National Assembly is not a revenue-generating agency, it cannot control the money it does not generate. However, it may be argued that the issue of the parliament's authority to examine the budget and make the required changes has been resolved by the ruling made by a Nigerian court on March 16, 2017, in a lawsuit brought by Lagos attorney Femi Falana SAN. The entire goal of sections 81, 85, and 89, according to Justice Gabriel Kolawole of the Federal Court Abuja, is to make sure that the Executive and Agencies under its authority are subject to some kind of parliamentary review. As a rubber stamp parliament, he said that the National Assembly was not established by the people who drafted the constitution and that it was endowed with the authority to receive budget estimates. Politicians are anticipated to examine the budget properly. Appropriation bills should pass through due process. According to Ameh (2018), the National Assembly on Friday responded to the issues raised by President Muhammadu Buhari on the 2018 budget, justifying the insertion of projects and cuts in the amount allocated to projects in the appropriation bill originally proposed by the President on November 7, 2017. It explained that projects and votes in the 2018 budget were rejigged to correct the alleged imbalance in Buhari's version of the bill. According to the Legislature, the project as proposed in the bill reflects the needs of ordinary Nigerians. The organs of government are expected to discharge their schedule of duties as stipulated in the constitution of Nigeria (1999 constitution as amended).

Timing of Presentation of Budget to the Parliament:

The budget is prepared by the Executive and presented to the National Assembly for consideration. Okoh (2018), noted that the parliament does not have enough time for wider consultation. This is due to the timing of the presentation of the budget estimate by the Executive to the National Assembly. The constitution does not specify the time for the presentation of the budget but rather obfuscates by stating that the President shall cause to be prepared and laid before each house of the National Assembly at any time in each financial year estimates of the revenues and expenditures of the federation for the next financial year. The budget needs to be prepared and presented to the legislature early enough so that there will be no delay in the passage of bills into

law. According to Anyaegbunam (2018), the current trend is that the 2016 Appropriation Bill was laid by President Buhari before the Joint session of the National Assembly on December 22, 2015. The Bill was passed by the National Assembly on March 22, 2016 and received presidential assent on May 6th 2016, 2017 appropriation Bill was presented to the Joint Session of the National Assembly on December 14, 2016, and was subsequently passed by the National Assembly on May 11, 2017. It received the assent of the then-acting President Yemi Osibanjo on June 12, 2017. The 2020 budget was presented to the National Assembly by President Muhammadu Buhari on 8th October 2019 (Legislative Digest, 2019). The problem is that the 1999 constitution of Nigeria did not specify the particular month the Executive President is expected to present the budget to the National Assembly.

The Issues of Constituency Projects:

There has been controversy between the Executive and Legislature on constituency projects. According to Okoh (2018): The issue of the constituency project is one that generated controversy between the Executive and Legislature. The Executive has always accused the Legislature of including state and Local Government projects thus adding financial burden on the Federal budget. There is a need for cooperation and partnership between the organs of government so as to achieve the goals and objectives of the state. According to Anyaegbunam, (2018), On

June 20, 2018, President Buhari Stated, “The Legislators made cuts amounting to N347 billion in the allocation to 4,700 projects submitted to them for consideration and introduced 6,403 projects of their own amounting to N578 billion. Many of the projects cut are critical and may be difficult if not impossible to implement with the reduced allocation. Some of the new project inserted by the National Assembly has not been properly conceptualised, designed and cost, and will therefore be difficult to execute. Separation of power requires a high level of Political maturity and discipline among the arms of government so as to achieve the desired goals of the state. According to Ameh et.al (2018), however, the presidency on Friday insisted that members of the National Assembly deliberately distorted the 2018 budget presented to them by the President in order to increase their allocation for constituency projects. Separation of powers requires partnership and cooperation among the three arms of government.

1.4 Findings and Conclusion

The operation of separation of powers in Nigeria started in 1979 (Second Republic) with Alhaji Shehu Shagari as the first Executive president. Separation of power has been found to help Nigeria to promote the rule of law and prevent tyranny/dictatorship in the state. The system makes the three arms of government to be careful in the discharge of their schedule of duties. The three arms of Nigeria’s government are separated both in functions and in personnel. The challenges identified in the operation of separation of power in Nigeria include but not limited to the impeachment of the Executive Governor of Kaduna state in 1981, the refusal of the Executive president to assent to the Electoral Act (Amendment) Bill 2018 and the inability of the National Assembly to muster the constitutional required two thirds to veto the President’s veto, the constant feud between the Executive and Legislature on the budget estimates, the timing of the presentation of the budget to National Assembly by the Executive president, the controversy between the Executive and Legislature on the constituency projects, reluctance of some parastatals to come to National Assembly for budget defence and delay in the court process. The Constitution of the

Federal Republic of Nigeria (1999) did not specify the particular month the budget should be presented to the Legislature. The Electoral Act Amendment Bill 2022 was finally signed into law by President Muhammadu Buhari on Friday 26th February 2022 after several presentations. The development really proved that political sovereignty resides with the electorates and the aim of the separation of powers in Nigeria is to ensure cooperation and partnership among the arms of government so as to ensure good governance.

Recommendations

In view of the findings/conclusion of this study, the following recommendations are necessary for effective cooperation among the arms of the government

- i. There should be effective cooperation and partnership among the arms of government. The feud between the Executive and Legislature on budget issues and the passing of bills into law can be solved through effective cooperation and partnership during budget preparation and the period of passing bills (second and third reading). There is a need for the arms of Government to come together and agree on what should constitute “constituency projects”.
- ii. Constitutional Review: The National Assembly should review the 1999 constitution of Nigeria in line with the yearnings and aspirations of Nigerians presently. The constitution should specify the month the Executive President should submit his prepared budget to the National Assembly for consideration. Having a specific month for budget presentation will enable the president and the National Assembly to perform their schedule of duties on time.

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