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## **POLITICS, POWER AND AUTHORITY IN CONSTITUTIONAL DEMOCRACY: THE NIGERIAN EXPERIENCE FROM 2015 TO DATE**

## **POLITYKA, WŁADZA I AUTORYTET W DEMOKRACJI KONSTYTUCYJNEJ: NIGERYJSKIE DOŚWIADCZENIA OD 2015 DO CHWILI OBECNEJ**

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### **Abstract:**

Politics, power, and authority are concepts in political science that have to elude precise description or apt definition because of the divergent views of the layman, scholar and the political analysts on the issue of politics, what power connotes and how authority is constitutionally recognized as legitimate or rightful by individuals or group. The obvious thing among these terms is the striking and often shared relationship that exist between and among them. While politics exist to pursue power, power is sought to exercise authority and pursue an interest which can either be narrowly or broadly defined in a constitutional democracy. Thus, the thrust of this paper is to assess the nitty-gritty of politics, power, and authority in Nigeria from 2015 to date with reference to constitutional and leadership roles of political actors, elected representatives and power relations among the three organs of government in a constitutional democracy. Finally, the paper recommends among others that there is a need for enlightenment program on executive – legislature relations, a collaboration between the executive and the legislature, effective observation of the principle of separation of powers and effective oversight functions and independence of the legislature and its leadership.

**Keywords:** Politics, Power, Authority, Democracy, Nigerian Experience

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### **Streszczenie:**

Polityka, władza i autorytet są pojęciami w naukach politycznych, które nie posiadają jednej trafnej definicji z powodu rozbieżnych poglądów laików, uczonych i analityków politycznych. Oczywistym jest jednak, że istnieje uderzający związek między tymi pojęciami. Podczas gdy polityka istnieje po to, by dążyć do władzy, władza dąży do stanowienia autorytetu i do interesu, który może być zawężony lub szeroko zdefiniowany w demokracji konstytucyjnej. Celem tego artykułu jest określenie sedna polityki, władzy i autorytetu w Nigerii od 2015 r. do chwili obecnej, w odniesieniu do konstytucyjnych i przywódczych ról podmiotów politycznych, wybranych przedstawicieli i stosunków władzy między trzema organami rządowymi w demokracji konstytucyjnej. Zalecenia wynikające z niniejszego artykułu, to między innymi, istnienie potrzeby powstania programu edukacyjnego w zakresie władzy wykonawczej - stosunków ustawodawczych, współpracy między władzą wykonawczą a władzą ustawodawczą, skutecznego przestrzegania zasady podziału władzy i skutecznych funkcji nadzoru oraz niezależności władzy ustawodawczej i jej kierownictwa.

**Słowa kluczowe:** polityka, władza, autorytet, demokracja, doświadczenie nigeryjskie

### **Statement of the Problem in General Outlook and its Connection with Important Scientific and Practical Tasks.**

Politics, power, and authority are concepts in political science that have eluded precise description or apt definition because of the divergent views of the layman, scholars and the political analysts on the issue of politics, what power connotes and how authority is constitutionally recognized as legitimate by individuals or group. The obvious among these concepts is the striking and oftentimes, shared relationship that exists between and among them. While politics exist to pursue power, power is sought to exercise authority and pursue an interest which can either be narrowly or broadly defined. That explains why every human action either in a group or the family, are often tainted with politics because most of human actions/inactions are geared towards achieving some kind of leverage which power confers to pursue a course, something that dwells within the interest realm in the social and political world (Okorodudu, 2019). Although Nigeria enthroned democratic governance in the Fourth Republic on May 29th, 1991, the dividends of democracy to the people are very scanty and far apart. This is because the concept and practice of democracy appear to be at variance in Nigeria. In recent time, the culture of godfatherism, vote-buying, thuggery and other violent practices employed by some unpopular, but wealthy persons in the nation's political arena is on the increase. No wonder there is rising cases of insurgency, kidnapping, killer-herdsmen, Wanton killing of innocent

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Nigerians and other criminal activities under President Buhari administration (Onitiri, 2019).

Therefore, the thrust of this paper is to assess the nitty-gritty of politics, power, and authority in Nigeria from 2015 to date with reference to constitutional and leadership roles of political actors, elected representatives and power relations among the three organs of government in a constitutional democracy. We cannot engage in any far-reaching and grounded discussion of Nigerian democratic experience without first explaining the concept of politics, power, authority, and democracy. Finally, the paper recommends among others that there is a need for enlightenment program on executive – legislature relations, a collaboration between the executive and the legislature, effective observation of the principle of separation of powers and effective oversight functions and independence of the legislature and its leadership.

### **Analysis of latest Research where the Solution of the Problem was Initiated.**

Politics power and authority as earlier noted are intricately linked. The quest to pursue power in a plural society could birth aggravated political tension. Power-sharing helps to ease off such avoidable tension and bring peace to political neighbors. It is important to note that power rotation lacks constitutional backing and its operationality could be cumbersome. It, however, helps minimize tension associated with the tussle for political power in a plural society especially in Nigeria. Onitiri (2019) believes that power-sharing helps in entrenching democracy in Nigeria. It is believed that power rotation which recognizes the mutual right of access to power in plural societies, contribute greatly to ensuring political stability and mutual peace in plural societies. It is believed to be cumbersome to operate due to intense intrigue among ethnoreligious grounded elite class, thus pitching the civic public against the entrenched primordial public. When this is the case, power rotation helps to magnify ethnoreligious identity and no nation grows amidst identity politics. When this is the case as it is often, primordial sentiments dominate the civic interest leaving suspended nationalism in its trail. There has to be a quest for basic institutional frameworks that manage the complexity of man in search for the amicable resolution of the intricate political struggle aimed at achieving power needed to pursue an interest, narrow or broad.

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### **Aims of Paper. Methods.**

The main aim of this paper is to assess the nature of politics, power, and authority in Nigeria from 2015 – to date with reference to constitutional and leadership roles of political actors, elected representatives and power relations among the three organs of government in a constitutional democracy. The methodology is qualitative in approach, relying on secondary data from journal articles, books and newspaper commentaries,

### **Exposition of Main Material of Research with Complete Substantiation of Obtained Scientific Results. Discussion.**

#### **Politics.**

Politics is derived from the Greek word ‘polis’ which means city-state. To the Greek, the polis was the most meaningful community above the family level. Karl W. Deutsch argues that any community larger than the family contains an element of politics. While some scholars are in support of a clear definition of politics, others are opposed to it, claiming that the growth of the discipline would be restricted if the scope were prematurely delineated. However, many definitions of politics have been given by writers and scholars. In most cases, they revolve around the concepts of power and authority. To Lasswell (1936), politics has to do with who gets what, when and how. Dahl (1976) contends that politics refers to any persistent pattern of human relationship that involves, to a significant extent, control, influence, power or authority. The point to note here is that the pattern of human relationships must be persistent, and not transient before we can meaningfully infer the presence of politics. Still, from the power perspective, Lasswell and Kaplan (1950) see politics as the shaping, distribution, and exercise of power. Allied to this definition is Iyoho’s (1983) view that political science is a discipline which studies how power is shared between the various organs of government within a state and the relationship between those that govern and those that are governed. Political power is sought and obtained with a view to participating actively in the allocation of scarce resources in society. It is in this respect that Easton (1960) defines politics as the authoritative allocation of values for a society. According to Nnoli (1986), politics is the seizure of state power, consolidation of state power and use of state power. His definition of politics is very much encompassing and appears to be more acceptable, especially in the contemporary perspective. It cuts across all forms of power seizure; be it through military coup d’etat, or democratic electoral process. This accounts for the reasons

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that whenever the army seizes power by coup d'état, it battles to make itself legitimate (acceptable by the people). Also, Ikelegbe (1995) and Egbe (2014) view politics as the science concerned with the state and of the conditions essential to its existence and development. It is the science dealing with terms, organization, and administration of state or part of one and with the regulation of its relationship with other states. Ogugua and Ogugua (2015) affirm that politics is about control and exercise of power. In the Marxian sense, 'politics is a class struggle, that is, the struggle between antagonistic classes in the society for the control of state-the state being an organ of class rule' (Oluwatusin and Daisi, 2018).

Despite the divergent conceptions of politics, there is a common ground in the centrality of the state and power to the political process. Thus, politics is concentrated as revolving around the state, its agencies, activities and overall impact on the society. After all, said and done, politics remains an abstract phenomenon and therefore there cannot be a single definition embracing politics at all times. For instance, in the Nigerian context, many of these definitions may fail to agree with what is practiced as politics in Nigeria. If we consider the power transferring process in Nigeria; dominated by a high level of thuggery, intimidation, brutality, violence and the electoral vices, it may then become difficult to define politics so that it can fit perfectly into Nigeria perspective. However, can we, therefore, say that politics in Nigeria is all activities, directly or indirectly related to the seizure, consolidation and fragrant use of state power. Arising from the Nigerian experience, this paper, therefore, is concerned with the description and analysis of the manner in which power is obtained, the factors which influence the making of those decisions, and the context in which those decisions are made, as politics in Nigeria.

### **Power.**

The problem of defining the term 'power' in a quite precise manner arises from the fact that different writers have taken different views about it. The result is that its real meaning seems to range from Friedrich's description of it as 'a certain kind of human relationship' to Tawmey's emphasis on the identification of power with the capacity of an individual or a group of individuals to modify the conduct of others in the manner in which one desires. While a great political thinker like Hobbes identifies power with some 'future apparent good', a modern psychoanalyst like Harold Lasswell likens it with influence'. I also find that a great communist leader like chairman Mao of China says that 'power flows from the barrel of a gun', an apostle of peace, truth,

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and non-violence like Mahatma Gandhi substitutes the force of gun and bomb with the power of love and truth emanating from the hearts of the people.

The source of difficulty lies in the fact that the word 'power' is used in different senses. Power is ascribed to different things on different grounds. For instance, we speak of horsepower, economic power, brainpower, military power, power of social status, power of ideas and the like. The common thread among all is that the term 'power' behaves in much the same way as the word 'ability' or 'capacity'. According to Morgenthau (1978), power may comprise anything that establishes and maintains the control of man over man. Thus, power covers all social relationships which serve that end, from political violence to the most subtle psychological ties by which one mind controls another. Morgenthau (1978) further views political power as a psychological relation between those who exercise it and those over whom it is exercised. The control which the former have over certain actions of the latter is a function of the expectation of benefits, the fear of disadvantages and the respect or love for men or institutions. Inherent in the concept of power is the element of force, because power refers to the ability of one person to get another to do what he normally would not have done. Force has to be employed where voluntary compliance is not forthcoming.

However, power is not merely manifestation in the forms of control, influence, coercion, persuasion, and manipulation, it is a value also. Essentially speaking, power signifies the capacity of an individual which may either refer to his ability to develop his personality or to extract advantages from the like abilities of others. In this way, power has both developmental and extractive dimension in the former and an empirical dimension in the latter. It should always be borne in mind that if power refers to the capacities, the capacities of man are more and higher than those of an animal. Moreover, the norms of social life require that the use of such capacities be made for the betterment of the personality of man as well as of his community. Also, it is at the same time a value postulate in the sense that rights and obligations can be derived from it without any additional value premise, since the very structure of our thought and language puts an evaluative content into our descriptive statements about the man. It dwells on man's ability to get what he wants by controlling others. However, as the power of money has become the most important of all power in the modern market societies, the idea of political power has become essentially connected with the theme of 'economic power'.

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According to Easton (1960), the essential feature of the liberal view on power is that the normative aspect of power cannot be thoroughly discarded. Man is not merely a power-hungry creature, he is also a value – loving fellow. He not only fights for power, but he also has a sense of discrimination too. Thus, while extracting benefits from others by virtue of his capacities, he is also expected to care for himself as well as the development of other fellow beings'. The developmental and extractive aspects of human capacities should be joined in a way so that the maximization of democracy takes place without causing loss or destruction of values of humanism. It should be noted, that it is the threat of sanctions which differentiate power from influence in general. Therefore, power is a special case of exercise of influence; it is the process of affecting policies of others with the help of (actual or threatened) severe deprivations for nonconformity with the policies intended. Power, in its most appropriate signification, therefore, means security for the conformity between the will of one man and the acts of other men. This, we presume, is not a proposition which will be disputed (Nagel, 1975).

### **Politics and Power.**

The power theory of politics is as old as the Greeks, though it has assumed much importance in recent times. The power theory is anchored on the belief that there is inevitable and irrepressible urge in human beings to come to power. A study of politics, particularly from the psychological standpoint, leaves this definite impression that human nature has always been the same and for this reason, power has been the foundational tenet of the game of politics. The 'power theory' finds its brilliant manifestation in the political philosophy of Hobbes. The grandest conclusion of the Hobbesian politics is his clearest and most perfect expression of the naturalistic conception of human nature wherein he tells us that man desires power and even greater power, spontaneously and continuously in one set of appetite, and not by reason of summation of innumerable isolated perceptions. The struggle for power is the root cause of competition among individuals. Interests collide in the race to acquire more and more riches, honors and commands and, for this sake, the competitors take to the means of killing, subduing, supplanting and repelling their opponents. Though the struggle for power has its incessant play among the competitors, it is also true that men like to live in peace in order to enjoy the iota of power they possess; it disposes them to live under a common power. The nature of the civil society is, for this reason, such that everyone, whether with moderate or immoderate desires, is necessarily

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pulled into a constant competitive struggle for power with others, or at least to resist his powers being commanded by others’.

From the foregoing, it is obvious that power has three important forms which include political, economic and ideological. Political power belongs to the state and judiciary. The way the organs of government work and enforce the commands of the state and may be manifested through the legislature, executive, military, police, bureaucracy, and judiciary. The way the organs of a government work and enforce the commands of the state exhibits political power. The power is shared by political parties, pressure groups, elites, factions, and the like. In the view of the liberals, political power is dispersed and diffused and it alternates from hands to hands. But to the Marxists, power is concentrated in a class (dominant class) that never likes its alternation. It is by virtue of having political power in its hands that the capitalist class exploits and oppresses the working class. So unless the working class captures political power, it cannot save itself from exploitation. In short, political power exhibits itself in the form of coercion of any kind by any department of the state.

Then, we may look into the fact of economic power that lies behind the political power. It finds its place in the ownership and control of the national wealth. Obviously, money power is another name for economic power. It may be in the form of ownership and control of the land and other means of production and distribution. A liberal would say that economic power is diffused throughout the society and anybody may have its share by the dint of hard work, a Marxist would say that the dominant class does not like to surrender its economic power unless it is forced to do so in the event of a successful revolution.

Finally, we may refer to the case of ideological power that resides in the prevailing ideas acceptable to the people. Ideology literally means a set of ideas in which people have unquestionable faith and they also strive to put them into action. So the people of the dominant class propagate and implement ideas that are congenial to their interest. This is also known by the name of ‘Persuasion Industry’ or ‘business opinion’ by which the class in power may suppress the views of others and impose its views on the people as a whole. In this direction, the press, radio, television and all agencies of mass communication play a very important part through which some kinds of views are preached and popularized in a direct way and some other kinds of views are controlled and suppressed in an indirect way. It is for this reason that bourgeois intellectuals propagate such ideas that state is an instrument of public good, that the sovereignty of state is in the hands of the people and so democracy is the best form of

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government, that authority of the state is based on 'general will' and that the function of the state is to establish law and order and resolve social conflicts. Therefore, power is the most important theme in politics. What energy is to physics, power is to politics? Power is a special quality by which its possessor may reward or punish, humiliate or frighten any other person.

### **Authority.**

Authority means that power which is popularly or constitutionally recognized as rightful or legitimate (Etzioni, 1964). It is the ability to get people to do things because they think an individual or group, has the right to tell them what to do. Authority is devoid of covert application of force. Max Weber distinguishes three types of authority, namely, charismatic authority, the traditional authority, and legal-rational authority. To him, authority is charismatic when the subjects accept a superior's orders as justified because of the influence of his personality, with which they identify. Authority is regarded as traditional when the subjects accept the orders of superiors as justified on the grounds that this is the way things are always done. While legal-rational authority refers to one in which the subjects accept a ruling as justified because it agrees with a set of more abstract rules which they consider legitimate and from which the ruling is 'derived' and, ipso facto rational. Therefore, the distinction between power and authority is that, while power centers essentially on the ability to coerce compliance in spite of resistance, authority is compliance based on the hierarchical structure of the relationship.

### **Democracy.**

Democracy has been defined in various ways by a number of scholars. It is often traced to Abraham Lincoln's statement made in the late 19th century as the government of the people by the people and for the people (Babawale, 2013). Democracy whether liberal, African or modern includes fundamental recognition of popular sovereignty, equal opportunity for all, majority rule, representativeness, minority rights, rights of choice between alternative programs, popular consultation, consensus on fundamental issues and more essentially periodic elections (Oke, 2005). The concept of democracy confers the opportunity to participate in decision by all adult citizens who enjoy widespread participation in the political process. In other words, when we talk of democracy, we cannot do without the participation of the people upon whom the fulcrum of democracy rests.

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### **The Nigerian Experience.**

Democracy which is adjudged to be the best form of government has won for itself a household name across the globe. It has gained popularity because it is believed to be sine – qua – non for growth and development. Although Nigeria enthroned democratic governance in the Fourth Republic on May 29th, 1999, the dividends of democracy to the people are very scanty and far apart. This is because the concept and practice of democracy appear to be at variance in Nigeria. In Nigeria, however, democracy, the official governmental practice has been hijacked by the military and their apologies to the extent that, the citizens now experience despair instead of hope, insecurity instead of security, tragic and untimely death instead of expectation, deficits instead of dividends, militarization instead of civility, dictatorship instead of rule of law, political selection instead of election, etc. Thus, the Nigerian political landscape seems headed for disaster (Leke, 2010). Some of the country's political leaders have stripped-naked the rules of civic engagement, jettisoned the Constitution and have allowed cacophony to hold sway. The instructive statement of Lord Acton (1834 – 1902) that 'power corrupts, and absolute power corrupts absolutely' seem to have fallen on deaf ears with reference to the Nigerian polity. Also, ethnic politics, money politics and vote buying have vitiated the good qualities of democracy in the country from 2015 to date. In fact, the destructive power of money politics has been fingered as one of the factors undermining good governance in Nigeria polity today. Politics today in Nigeria is a 'do or die' affair. The struggle for political power and control at the center has over-heated the nation's polity and created unnecessary tension which has resulted in bigotry between and among regions.

Political thugs are recruited and armed by these same politicians who at the end of the day loose grip of these thugs and the arms are used on defenseless citizens. The current democratic dispensation since inception has been besieged with unprecedented vices, disturbance and social insecurity resulting in massive destruction of properties and loss of lives.

The religious and ethnic dimension to these upheavals makes them a serious threat to national security. Since 2015 to date, the tension and uncertainties in the country are not conducive for the democratic process and national development. Nigeria in recent times has witnessed a lot of violent eruptions and general insecurity in nearly all the states of the federation. Prominent among such is the Boko Haram which has been attributed to political rivalry between the north and the south towards controlling the

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political power in the country, electoral violence has resulted in killings of innocent citizen across some states like Rivers, Taraba, Benue, Lagos, etc.

Also, in the Nigerian state today, the democratic process no doubt has been bedeviled by poor party politics as a result of lack of internal democracy, party indiscipline, lack of clear cut party ideologies, ethnic party politics, poor political leadership, excessive westernization of the concept 'democracy', the politicization of the higher echelon of the military profession and other security agencies, among others. These factors no doubt snowballed in the abortion of democratic Republics in Nigeria and persistently have threatened the survival of Nigeria's Fourth Republic. That is why Ijere (2015) affirmed that politics no matter how good will not deliver better and improved public goods in a polity with weak institutions, neo-patrimonial networks, and client – patron politics and the near absence of a political will. This supports the assertion of Achebe (1981) who posits that Nigeria did not have a strong institution that could enable the political system to face challenges of governance in a systematic way.

However, the success of the democratic experiment in a country can be attributed to a political party that has strong mass support and leaders that have the interest of the nation at heart. Nigeria today had political parties built along religious lines and political leaders that were naïve and selfish. The client –patron knew in Nigeria as 'god-father' politics have taken the primacy over the formal aspect of politics such as the rule of law, well-functioning political parties and a credible electoral system (Oluwatusin and Daisi, 2018). Party politics in Nigeria impede national development and promote political instability. In fact, the Nigerian government remains distant from serving the interest of its people. This can be seen with high rate of intense struggle for political power and marginalized national development for the promotion of the personal interest of the political leaders, political unrest and spate of insecurity, cross-carpeting by politicians, electoral rigging, politics of intolerance, mobilization of religious sentiments, political assassination and youth restiveness, impunity, weak measures against accountability, corruption, lack of political will and indecisive pressure and assistance from the global community and the wide acclaim anti-corruption stance of President Mohamadu Buhari, has been adjudged to be selective. According to them, the implementation of the anti-corruption programmed since 2015 to date is directly at witch-hunting political opponents. However, this has consistently been denied by the ruling party.

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The truth, though, is that an anti-graft war can only be credible if it's fought systematically, institutionally and transparently, without bias or vendetta. In South Africa, the office of Public Prosecutor is so independent and powerful that it investigated former President Jacob Zuma and his family while he was still in office. In Nigeria, the EFCC takes instructions from the presidency and only a few Nigerians believe it is independent, professional and efficient (Fasan, 2019). In 2015, President Buhari promised to be a transformational harmony in the pace of insecurity and tensions, to restore faith and trust in government by tackling corruption and abuse of power, and to give hope to ordinary Nigerians by running a successful economy, reducing poverty, unemployment, and increasing prosperity. But four years later, President Buhari failed to achieve any of these promises. Unless he misreads his re-election as an endorsement of his first – term performance, Buhari himself should admit that his first term was a betrayal of the hopes and expectations of the most Nigerians. The truth is, he did not keep his 2015 electoral promises! Now, he must not waste his second term. In addition, to the foregoing, Onitiri (2019) posits that Nigerians are yet to enjoy dividends of democracy because of poor, inefficient, selfish and corrupt leadership foisted on the country. Anele (2019) noted that President Buhari failed to fulfill his lofty 2015 campaign promises and that the living condition of the masses does not improve since he assumed power. It is sad to observe that Nigerians are yet to enjoy basic amenities of life that developed electricity supply, potable drinking water, good roads, access to health facilities and good, quality education almost 60 years of democracy, Nigeria is not yet out of the woods and our citizens are the worst for it because of poor leadership. Also, due to the perceived manipulation of the party's constitutions by some unpopular persons who parade themselves as the political godfathers in the corridor of power, perpetuating all forms of atrocities in their quest to hijack the structure and milk the public treasure, the nation is today suffering economically (The Pointer, 2019).

### **The Constitutional and Leadership Roles of Political Actors.**

The constitutional and leadership roles of political actors are captured in Section 18, 19, 20 and 21 of the 1999 Constitution of the Federal Republic of Nigeria. According to the Constitution (1999), the political actors shall promote and protect the national interest; promote African integration and support for African unity, shall strive to eradicate illiteracy; promote science and technology; respect for international law and treaty obligation; promote a just world economic order; protect, preserve and promote the Nigerian culture; encourage development, technological and scientific

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studies, provision of social amenities, equal opportunity for all; and most especially the protection of lives and properties. While the leadership roles of political actors are to strive for political stability and national development, it is a truism that the quality of leadership and overall governance in a country directly affects the level of political stability and development that such country enjoys. It is in recognition of the imperative of leadership and governance to a country that Nnablife (2010) affirms that the survival of a system rests with leadership. All things rise and fall on leadership because leadership effectiveness is a steering that drives a nation or any organization to heights of development and productivity by the application of good governance (Ogundiga, 2010). It is instructive to note, that the leadership problem in the Nigeria polity was a manifestation of the dysfunctional pattern of the years of military interregnum. The leadership pattern in Nigeria lacks the necessary focus capable of instilling national development and promoting political stability. Rather, leadership is preoccupied with the desires for the appropriation and privatization of the Nigerian State. The fall of the First and Second Republics, for instance, was precipitated by the pervasive corruption and the attendant political violence and manipulation that greeted the electoral process, in a bid to stick to power. Consequently, development performance was slowed down and political instability continued to pervade the polity, as the focus was shifted to combat the looming forces of insecurity and internal regime instability. Nigerians have looked forward to reaping the dividends of democracy. The narrative was that the military was delinquent, corrupt and unaccountable; and democracy would offer answers to critical matters such as unemployment, poverty, insecurity, corruption and the near absence of basic infrastructure and the like. Believing that Nigeria's political leaders had picked a few lessons from the catastrophe of the First, Second and Third Republics, the nation entered the Fourth Republic full of hope. Despite the lessons to be learnt from the failure of the earlier Republics, the Fourth Republic of Nigeria's democratic experimentation is also characterized by reckless misrule by elected officials, corrupt practices by public officials, economic setback, maladministration and mismanagement of public resources, tyrannical and voracious leadership and governance that were also irresponsible, negligent government institutions and administrative processes, favoritism and corruption and abject poverty and high rate of unemployment, insensitivity and intolerance of opposing views and perspective as nation heritage (Odusanya, 2013). Expectedly, this present era, to say the least, have not felt better or still embroiled in the socio-porosis of the previous Republics. However, I give kudos to the administration

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of Delta State government, first, under Chief James Onanefe Ibori who strongly established the foundation of development in Delta State during his tenure and also our very dynamic, articulate and pragmatic Governor, (Dr.) Senator Ifeanyi Authur Okowa for seriously consolidating on the foundation laid by Chief James Onanefe Ibori. Dr. Okowa believes in democracy and good governance for all Deltans through his smart agenda.

### **Elected Representatives.**

In Nigeria as in elsewhere of its kind, party system defines the institutional basis of representative government. However, Nigeria's political party formation and party politics have been rooted in the dynamics of the Nigerian society, culture, ethnicity, and religion, motivated by the exploitation of these dynamics of the Nigerian society, culture, ethnicity, and religion, motivated by the exploitation of these dynamics to limited ends. The fundamental understanding of this political process holds useful insight into the behavior of political actors and yields reasonable expectations concerning their actions. Achebe (1981) posited that the premium on political power is so high that political actors were prone to take the most extreme measures to win and maintain political power. The ensuing battles for supremacy essentially brought about unhealthy intra- and inter-party and inter-institutional competitions. The struggle for power accounts for the failure of the political class to incorporate self-correcting mechanism into the conduct of political activities at virtually every leadership transition, mutual suspicion, tension, and institutional instability. Prebendalism seems most appropriate for explaining the centrality of the intensity and persistent struggle to control and exploit the offices of the state. Prebendalism implies that the Nigerian state and politics are concerned with how interests are represented and benefit distributed. Politicians and public officials exploited the system to further individual or group interests. This explains the keen and fierce contest for, and retention of power and access to the distribution of resources in a context of scarcity, insecurity and disregard for official norms and regulations. The attendant politics of personality has had damnable consequences for institution building, institutional harmony and quality governance in Nigeria polity today.

### **The Three Arms of Government.**

A fundamental principle underpinning the design of modern governments is that of the separation of powers, which prescribes the parceling out of the various powers and functions of government to separate and relatively independent levels and branches of the federal and state governments in order to prevent them being con-

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trolled at the same time by any potentially tyrannical political faction. Separation of powers means that one of three departments of government must not have the whole of another branch's powers vested in it nor obtain control over another branch. The principle has been a key factor in a Constitution's survival, assuring evolution in government rather than revolution. Due to a system of checks and balances, the legislature, executive and judicial branch's powers overlap and each branch exerts some power over the others. Thus, if a President starts acting like a despotic king, he can be impeached by the National Assembly. If the National Assembly starts trying to pass a series of laws that are blatantly unconstitutional, those laws can be overturned by the judiciary and so on.

Section 4 (1) (2) and (3) of the 1999 Constitution of the Federal Republic of Nigeria provides that the legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the federation which shall consist of a senate and a House of representatives. The National Assembly shall have the power to make laws for the peace, order and good governance of the federation with respect to any matter included in the exclusive list. Notwithstanding the foregoing provisions of this Section, the national assembly or a House of Assembly shall not, in relation to any criminal offense whatsoever, have the power to make any law which shall have retrospective effect. Also, Section 5(1) and (2) provides that the executive powers of the federation shall be vested in the President and subject to the provisions of any law made by the National Assembly, be exercised by him either directly or through the Vice President and Ministers of the government of the federation or officers in the public service of the federation; and shall extend to the executive and maintenance of this Constitution, all laws made by the National Assembly and to all matters with respect to which the National Assembly has, for the time being, power to make laws and Section 6(1) and (2) provides that the judicial powers of the federation shall be vested in the courts to which this Section relates, being courts established for the Federation and the judicial powers of a state shall be vested in the court to which this Section relates, being courts established, subject as provided by this Constitution, for a state and shall be only superior courts of record in Nigeria and save as otherwise prescribed by the National Assembly or by the House of Assembly of a state. The actions or inactions of the other organs of government are subject to the judiciary's power of review. Constitutional experience in Nigeria where elected state officials often engage in abuse of office, corruption, lawlessness, and lack of respect for the rule of law gives credence to the need to check and balance the legislature and executive through judi-

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cial review. Similarly, the judiciary acts as a check on the legislature to declare as null and void a law passed by the legislature that does not follow the due process of law or does not favor the people.

However, the Constitution of the Federal Republic of Nigeria although does not provide in express terms that the doctrine of separation of powers should apply in Nigeria, provisions contained therein as discussed earlier recognizes the need to confer government powers in different persons and organs of government. As lofty as the doctrine seems, in practice, it has suffered setback which officers of the executive, legislature and judicial arms of government are responsible for. More often than not, the challenge faced by the doctrine arises when the various organs of government carry out their constitutional function of checks and balance on each other. In appraising these challenges, we restrict ourselves the challenges faced by the doctrine from 2015 to date.

I. Executive Lawlessness: The executive organ is traditionally vested with the responsibility of carrying or implementing the laws made by the legislature, the policies made by quasi-judicial legislative bodies or the decisions, judgment or orders rolled out by the judiciary. Hence, it is an established fact that going out of its constitutional powers to encroach on the powers of one or more organs of government will amount to lawlessness and a negation of the doctrine of separation of power. Apart from the general powers granted under Section 5, the Constitution again confers powers and duties to the President in other Section of the Constitution. This is the implication of the phrase ‘subject to the provision off this Constitution’ with which Section 5 starts. Thus within the constitutional grant of power to the executive arise certain functions that are carried out by the executive in Nigeria, which includes Inter-alia; budget preparation, Initiation of Development Project, Appointing Officials Providing Diplomatic Representation, Grant Pardon to Convicted Criminals and make Declarations. Since the return of representative democracy in 1999, there have been instances where the Executive arm has violated the doctrine of separation of powers duly acknowledged and entrenched in the Constitution in the performance of its duties and responsibilities thereby exceeding the limits and extent of the provisions of such powers. For instance, sometime in 2006, former President Olusegun Obasanjo declared the office of the Vice – President vacant. This was done because the occupier of the office at the time, Alhaji Atiku Abubakar had defected from PDP to ACN. This was tantamount to executive lawlessness. Also, in January this year, the Chief Justice of the Federation, Walter Onnoghen was suspended from office by

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President without following due process. This was tantamount to executive lawlessness to the extent that the Constitution did not expressly or explicitly confer such power on the President so to exercise. In response, Onnoghe on April 11, 2019, states that: "If you terrorize, intimidate, harass and humiliate the judiciary, using strong hand and brute force, it is a stage set for bidding democracy farewell" (Vanguard, 2019:29).

Fasan (2019) noted that within two months of President Buhari administration in 2015, his party convulsed in the National Assembly, and his relationship with the legislators broke down irretrievably. His government became dysfunctional. He vetoed sensible bills and used executive orders where statutes were needed. He concluded that Buhari, a socialist and former dictator, lacked the vision and skills for the 21st-century government in a globalized world.

II. Legislative Oversight: To promote accountability in governance, the Constitution empowers the legislature to constantly carry out oversight functions on the executive. Legislative oversight encourages check and balances, enthrones fiscal discipline, good governance and transparency in public offices. Legislative oversight takes place when the National Assembly or a State House of Assembly continually review the effectiveness of the executive arm in carrying out the constitutional mandates through supervision, watchfulness, or review of executive actions and activities. The principal function of the legislature in Nigeria as elsewhere is to make law. The law-making powers and procedure of the legislature in Nigeria can be used to control the administration and its units; especially, as executive policies and programs must have legislative budgetary backing before they can be implemented. Though law-making and oversight are their primary functions, it is important to recognize that the legislature has other important responsibilities which include among others; investigation, representation, and management of public funds. With regards to its power over appropriations, the legislature can give conditions and place limitations on spending and how funds are to be used. They cannot, however, introduce issues outside the subject under consideration in the Appropriation Bill. Budget review by the legislature is generally regarded as a crucial test of surveillance. Unfortunately, the legislatures have severally been condemned for scoring very low marks on this area. In considering budget proposals of the chief executives in Nigeria it would appear that legislatures are more concerned with their personal gains than with financial prudence or financial probity on the part of the executive. In spite of the importance of legislative oversight in contemporary democratic governance, it has been a contro-

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versial issue as it has often led to the legislature encroaching on the powers of other organs of government and has remained the major source of executive and legislative conflict in Nigeria. The major areas where the legislature always tries to encroach on the powers of the executive is the issue of budget. The controversy that surrounded the 2016 budget is instructive on this. The controversy took another turn with the National Assembly returning to the President a Budget with the omission of certain projects and inclusion of others not proposed by the executive for assent. Having in mind the provisions of Section 81 (1) of the 1999 Constitution, this was a usurpation of the executive powers to prepare and lay before the National Assembly estimates of the revenues and expenditure of the federation for a new financial year. This attempt to usurp the power of the executive is fraught with grave dangers for the realization of democracy and good governance anchored on accountability and service delivery. This is why Justice Olukwadare Aguda (Rtd) once argued that the oversight functions (and the principle of checks and balances) as is carried out by the legislature is often unconstitutional and violates the doctrine of separation of powers which is basic to democratic government. He observed that the legislature in Nigeria is systematically usurping the functions of both the executive and the judiciary, warning that this could hamper political stability and socio-economic development (Vanguard, 2019).

III. Lack of Judicial Independence: An independent, impartial and informed judiciary holds a central place in the apprehension of a good, transparent and accountable government. This is necessarily made possible by the provisions of the Constitution that charge the judiciary with the function and responsibility to determine all matters between persons, or between government or authority and any person in Nigeria and to all actions and proceedings relating to the determination to any questions as to the civil rights and obligations of any person. As important as the judiciary is to the sustenance of the rule of law and democracy, it is the most vulnerable of the three arms of government as it always depends on the other arms to perform its functions. Likewise, its powers are deliberately encroached upon by the legislature and executive. The appointment of top judicial officers in Nigeria is made by the President on the recommendation of the National Judicial Council (NJC) subject to the confirmation of the Senate at the Federal level. At the State level, the appointment of top judicial officers is made by the Governor of the State on the recommendation of the National Judicial Council. It is submitted that this process is not healthy for the doctrine of separation of powers. This is so because as politicians, the President and Members of the National Assembly or Governor and members of the State House of Assembly

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may be swayed to make such appointments on political connections, religious leanings, a federal character without any regard for merit and competence. Where this is done, the consequence is the proverbial “he who pays the piper dictates the tune”.

### **Conclusions.**

The post-independence Nigeria continues to grapple with the monster of bad leadership and governance which have been the bane of political instability and the poor state of development in the country. With diverse mineral and human resources, it is not far – fetched to expect Nigeria to soar high in consonance with the economic giants of the world. Paradoxically, Nigeria the giant of Africa (as it is called) wallows in socio-economic, political and infrastructural decadence in all her crevices. It should be noted that Nigerians fought to drive away the military regime in 1999 but the military dropped their Khaki and hijacked the Nigerian’s struggle in agbada. The retired military in agbada can never give us dividends of democracy. No wonder we now see rising cases of insurgency, kidnapping, killer-herdsmen, wanton killing of innocent Nigerians and other criminal activities. The inability of Nigeria’s leadership to harness the nation’s vast resources and reserves towards socio-economic development continuously calls to question the composition of the fabric of the nation’s leadership and governance. Good governance is based on the tenets and practice of democracy. But ethnic politics, money politics and vote-buying erode this very important attribute of democratic government, specifically, from 2015 to date. The power and authority conferred on Executive and Legislature are constantly abused by encroaching on the powers of the judiciary. By and large, we conclude that maintaining the independence of the judiciary ought to be a collaborative effort between the three organs of government. However, members of the executive and legislature are by their very nature politicians and would not waste time to muzzle the judiciary where it tends to be against laws and policies made by them. The paper, therefore, recommends the following as a way out of the observed challenges confronting democracy and good governance in the country:

I. There is a need for enlightenment program on executive – legislature relations, a collaboration between the executive and the legislature, effective observation of the principle of separation of powers and effective oversight functions and independence of the legislature and its leadership.

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II. The war on corruption must be pursued with vigor. Put differently, it must be pushed beyond political propaganda, intimidation, and witch-hunting of political opponents. The government must muster the political will to punish any corrupt public officer irrespective of his or her status, religious and political affiliation in the society. In addition, legislation should be enacted by the National Assembly making capital punishment a penalty for corruption-related offenses.

III. For democracy to thrive in the country, there must, first of all, be freedom which makes the difference between enslavement and liberation. The masses must be freely allowed to decide who leads them. They should also be allowed to participate in issues that affect their lives and concern directly, and above all, elections must be free and fair. In addition, the election management body must be truly independent in terms of instance and erring members found to have been involved in election malpractice in 2019 general elections and security operatives involved in the election must be up and doing.

IV. For democracy to be consolidated in the country there is a need for change in the value orientation of the political leaders. The ideological bases of our political parties that facilitate political vagrancy must be altered. Besides, the National Assembly should enact a law to outlaw cross – carpeting.

V. Selection and election of leaders should be founded on distinct value systems and should be with a probe for probity and accountability if good governance and leadership are to be attained. In addition, more transparent and effective screening methods must be developed by the political parties and the electoral body, to ensure the exclusion of politicians with overt or covert tendency to corrupt the electoral process and the electorate.

VI. Deepening of democratic principle. Democracy is characterized by adherence to the rule of law, respect for fundamental human rights and the protection of lives and properties. For democratic consolidation to thrive in Nigeria, the principles and tenets of democracy must not only be imbibed but must also be deepened. Also, the rule of law, independence of the judiciary and supremacy of the constitution are vital to quality leadership and good governance in Nigeria. Therefore, the executive and legislature should collaborate to maintain the independence of the judiciary in the country and should also desist from removing them from office without regard for constitutional provisions.

VII. All over political structures should be strengthened and the doctrine of separation of power and checks and balances reinforced.

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