



## **The Presidential System and Governance in Nigeria's Fourth Republic**

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### ***Abstract***

*There has been an increasing clamour that Nigeria should discard the presidential executive system of government it embraced at the inception of the Second Republic in 1979 and retained in 1999. This study examined the presidential system and the question of governance in Nigeria with the view to ascertaining reasons for the increased clamour for the return to the parliamentary system. A qualitative research design that relied on data sourced from secondary sources such as textbooks, official publications, journal articles and newspapers was adopted. The study found that reasons for adopting presidential system in Nigeria include the desire to promote unity, make governance effective, and reduce conflict in governance, among others. It further showed that high cost of governance beyond what the economy can sustain, dictatorial tendencies and strained legislative-executive relations that have halted governance on several occasions are among the contradictions spurring the clamour to jettison the practice of the presidential system in Nigeria. The study contended that reducing the cost of governance, promotion of inclusive governance and constitutionalism, and adherence to the rule of law have the capacity of addressing the discontents spawned by the presidential system in Nigeria.*

**Keywords:** *Cost of Governance, Democratic Governance, Legislative-Executive Relations, Parliamentary System, Presidential System.*

### **Introduction**

When Nigeria gained independence in 1960, it inherited the Westminster system of government from the colonial authorities. It worked for six years before the military took over government in January 1966. When the military was about to restore civil rule, they set up a Constitution Drafting Committee (CDC) to fashion a new constitution for Nigeria. After completing its task, a Constituent Assembly (CA) made up of eminent Nigerians was also set up to consider the recommendations of the CDC. On the type of government, the CDC

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recommended a presidential system of government in lieu of the parliamentary system that was operated in the First Republic, that is, between 1960 and 1966. With the acceptance of the recommendations of the Constituent Assembly by the Supreme Military Council (SMC.), the presidential system was adopted in the Second Republic between 1979 and 1983. The presidential system was equally retained in Nigeria's Fourth Republic that commenced in May 1999. On May 29, 2007, Nigeria's democracy witnessed a successful transition of power from one civilian regime to another for the first time in its political history. Similarly, in 2015, Nigeria made another history in its democratic drive. An incumbent president was defeated, and power was peacefully handed over to the opposition party. That is, Dr Goodluck Jonathan of the People Democratic Party (PDP) handed over power to General Muhammadu Buhari (retd) of the All-Progressives Congress (APC). Despite these developments, governance in Nigeria's Fourth Republic has been a source of debate among keen observers and scholars of Nigerian government and politics.

One issue that has continued to be debated in Nigeria's Fourth Republic is the type of government, that is, the presidential system being practised. Nigeria's Fourth Republic has been witnessing calls to discard the presidential system and the increasing clamour that the country should revert to the parliamentary system adopted in the First Republic (Aytogo, 2018; Karrem, 2018). As a matter of fact, issues on the practice of the presidential system of government in Nigeria received considerable attention of the National Conference, 2014 which recommended a hybrid system co-named 'modified presidential system' believed to capture elements that would make the presidential system more effective in the Nigerian State (National Conference, 2014). The question that is germane at this juncture is why has the presidential system considered at a time as better suited to the needs of the country become the source of its public governance challenges? This study assesses the presidential system in Nigeria with the view to highlighting why it was adopted in 1979 and retained in 1999, the extent to which the presidential system has promoted democratic governance, and reasons for the calls to discard it.

## **Conceptual and Theoretical Issues**

### ***The Presidential System of Government***

Political institutions are vital to the flourishing of democratic systems. In the literature two, major political systems are often discussed by commentators (Anyebe, 2016). These are the parliamentary and presidential systems of government. Discussions have often revolved around their characteristics and in the process subjective analyses are usually made in terms of which of them is better. It has been argued that the choice of a structure is usually a product of two factors. These are the historical context and the interest of the elite (Nakaguma, 2013). In terms of historical factor, the elite might have considered a system that has been in use and assessed its effectiveness. This may lead to a decision of either retaining the system or opting for another. This aptly played out in the Nigerian context as discussed in one the sections of this study. The second factor is when the elite want to impose a political system possibly because it has worked elsewhere or because of its popularity and acceptability among comity of nations. Regardless of the motive that shapes the choice of a

political system, the ultimate aim or goal is the effectiveness of such a system in addressing the challenges of society and meeting the needs of the citizens.

The presidential system otherwise known as the monosepalous executive system has received considerable attention of scholars in the literature. Scholarly works such as that of Linz (1990); Mainwaring and Shugart (1993); Cheibub (2007); Nakaguma (2013) to mention but few, showed that it is a form of government that is anchored on a single executive system. Apart from the American presidential model, there are semi-presidential systems which exhibit a bit of variation or modification because they provide for the office of the Prime Minister, who is the head of government, something akin to the parliamentary system. A semi-presidential system according to (Duverger, 1980) is associated with the following features. (i) A popularly elected president (ii) the president that has considerable powers and (iii) the existence of the Prime Minister as well as a cabinet that is answerable to the parliament. Given the focus of this study, discussion is in relation to the American model which Nigeria embraced at the inception of the Second Republic in 1979 and currently being practised in the ongoing Fourth Republic that commenced in 1999.

In the American model, the ceremonial and executive functions of government are vested in one person, which is the president. Its striking features can be found in the relationship among the organs of government. The executive is separated from the legislature and the judiciary. The president forms the cabinet outside the legislature, thus, has the power and the leeway to enlist the services of competent and knowledgeable people in the cabinet. Ministers are responsible to the president, who can reshuffle the cabinet at will, and this equally means that the president can sack a minister at will. In the presidential system, all the organs of government derive their powers from the constitution, which is supreme. The judiciary is equally isolated from the other organs of government. Apart from the separation of powers, there is the principle of checks and balances inherent in the system where each organ of government is empowered to check the activities of other organs of government, thereby preventing a situation where one organ of government becomes too powerful to lord it over the other organs.

Under the presidential system, the president is elected by the nation or country taken as a constituency and has a fixed tenure of office, meaning that he or she enjoys a specific tenure of office, which allows for effective planning. There is, however, the provision for the removal of the president through a process of impeachment. Essentially, part of the distinctions between the presidential and parliamentary government systems lies in how the head of the executive branch of government is elected, the relationship between the legislature and executive arms of government, tenure of office, and the dependence of the executive on the legislature for office. As the name suggests, the presidential system anchors its success on the president while that of the parliamentary is on the legislature. One of the presumed advantages of the presidential system is that the office of the president is endowed with enormous powers to command respect and allegiance from the whole country.

The parliamentary system is based on a sort of collective governance in which elected members of the legislature see themselves as equal. Cabinet members are also appointed from the legislature. This collective governance according to the advocates of parliamentary democracy breeds unity and allows for the speedy passage of bills to laws and reduces frictions that exist where you have different people serving in the cabinet and legislature, a common feature of the presidential system. This equally brings the principle of collective responsibility in which all cabinet members are made to share the commendation and blame for success and failure of policy actions. In the presidential system, leadership is based on the perceived capacity of an individual elected by all segments of the country and as such whoever that occupies the office of the president is expected to be a unifying factor in the polity. This suggests that the effectiveness of the presidential system to a large extent depends on the dexterity of whosoever that occupies the office of the president. The president is seen as the most visible public officer in the country and considered as having the capability and capacity to drive the task of nation building.

### **Materials and Methods of Study**

The study employed a qualitative research design. Data were sourced from official publications such as the report of the 1976 Constitutional Drafting Committee and the 1999 Constitution of Nigeria. The study also relied on relevant articles from textbooks, journals and newspaper publications. The data were content analysed. Discussion in this study focuses on the following three research questions.

- i) Why did Nigeria opt for the Presidential system in 1979 and why was it retained in 1999?
- ii) What are the discontents with the practice of the presidential system in Nigeria?
- iii) How can the presidential system be more effective in the Nigerian State?

### **Results and Discussion**

#### ***Reasons for the Adoption of the Presidential System in Nigeria***

We need to start this section by paying attention to the first research question of this study, which centres on why Nigeria adopted the presidential system in 1979 and its retention in 1999. As noted earlier, the origin of the presidential system in Nigeria is traceable to the Constitution Drafting Committee set up under General Murtala Mohammed to design a new constitution for Nigeria following the plan to hand over power to elected civilians. The then Head of State, General Murtala Mohammed, among other things, stated that the new constitution being drafted should do away with ruthless political competition based on a winner-takes all, discourage institutionalized opposition; promote public accountability among public office holders, eliminate the concentration of powers in a few hands, and promote free and fair elections (Federal Republic of Nigeria, 1976). General Mohammed added that what Nigeria needed was an executive presidential system of government, in which the President and Vice-President would be elected, have clearly defined powers, and be answerable to the people. He noted further that an independent judiciary and the existence of some corrective institutions such as the Corrupt Practices Tribunal and Public Complaints Bureau were desirable in the new political dispensation (Federal Republic of Nigeria, 1976).

We have earlier made reference to factors that determine the choice of a political structure. In the Nigerian context, to a considerable extent, it could be argued that both the historical context and elite preference have had influence on the choice of the system of government. Arguing in line of the historical context, Akinsanya (2002) writing on the first four years of presidential democracy in Nigeria, that is from 1979 to 1983, advanced the view that the decision to adopt the presidential system was to avert the bitter experience of the First Republic in which the 1964-1965 constitutional crisis that resulted from conflict of interest and authority distorted effective governance.

When the parliamentary system of government collapsed in 1966, many people attributed the failure to the nature of the 1963 Republic Constitution. Thus, as members of CDC were framing the 1979 constitution, they were hopeful that the proposed presidential system modelled after the American presidential system would overcome the conflict between the ceremonial President and the Head of Government (The Prime Minister) that characterised the parliamentary system adopted in the First Republic. While this line of argument supports the historical context, it does little explanation for the retention of the presidential system in the aborted Third Republic and in the ongoing Fourth Republic following its abysmal failure in the Second Republic. The presidential system as practised in the Second Republic was seen as a failure because the expectation that the system would make for a strong president that would be a symbol of unity and progress could not be achieved. As a matter of fact, it has been described as wishful expectation because the presidential system collapsed after four years (Agi, 1984).

The retention of the system in the aborted Third Republic and in the ongoing Fourth Republic brings in the second perspective on the choice of political institution or structure. Going by the appalling record of the presidential system in the Second Republic, the historical context could have prevented the political elites from retaining it. This was not done as events leading to the adoption of the presidential system in the Fourth Republic underscored the preference of the elites' perspective. The 1999 Constitution was hurriedly drafted and imposed by the military. Consequently, the various sections that needed to be thoroughly scrutinized to reflect the realities in the Nigerian polity were left undone and have thus become the thorny issues and practices distorting governance in the Fourth Republic. Such issues include the lopsided federal structure, the division of powers between the centre and the component units, and issue of revenue allocation, among others.

### ***The discontents with the Presidential System in Nigeria***

One of the discontents with the presidential system in Nigeria is the cost of governance. This has been a major issue of governance in Nigeria's Fourth Republic. In its current form, the presidential system in Nigeria parades an array of personnel in the three arms of government. Cabinet ministers at the federal level and commissioners at the state levels are sourced outside the legislature. While this enables the executive to source competent and experienced experts that could enrich governance, the major source of concern is the cost of maintaining these political officeholders. The issue on the jumbo salaries and allowances of public office holders apart from exacerbating inequality between political

office holders and the masses (Emejuiwe,2017) has made political office very attractive and turning politics in Nigeria to become what Ake (1996) referred to as a matter of life and death.

Another dimension of the cost of governance is that the huge resources being directed to the maintenance of personal aides are at the expense of services for the people and infrastructure for development. This has continued to manifest in dwindling capital expenditure in recent years. For instance, it has been reported that in the 2022 federal budget, recurrent (non-debt) expenditure was N6.91tn representing 40 percent of total expenditure (Ikpoto, 2022).

In Nigeria, there is the school of thought that the presidential system is more expensive than the parliamentary system and that the Nigerian economy cannot sustain the system (Teniola, 2014; Babalola, 2016; Nwabughio, 2020). Consequently, parts of the calls have been the return to the parliamentary system of the 1960-1966 era. The argument is that Nigeria should revert to the parliamentary system because, as currently constituted, governance in Nigeria under the presidential system has become avenue for creating affluence for a few and not for the elimination of the affliction of the many (Iyoha, Gnerevbie Iruonagbe & Egharevba, 2015). The arguments in some quarters have been that, Nigeria wrongly adopted or imported the presidential system without considering its economic foundation (Agi, 1984; Babalola, 2016).

The presidential system has also been criticised because of the enormous powers vested in the executive. The 1999 Constitution states that the executive powers of the Federal Republic of Nigeria shall be vested in the President which are to be exercised by the President either directly or through the Vice-President and Ministers of the Government of the Federation or officers in the public service of the Federation. The Constitution equally vested the executive powers of a State in the Governor who may exercise such powers either directly or through the Deputy Governor and Commissioners of the Government of that State (Federal Republic of Nigeria, 1999). The purpose of the enormous powers granted to the executive is to promote good governance. The framers of the presidential system were expecting the emergence of a strong executive leadership for national unity and integration. However, what has emerged since the beginning of the Fourth Republic in 1999 has been in the contrary. Nigeria has been witnessing the dominance of the executive arm of government lording it over the other organs of government. This has made other organs of government to be subservient to the caprices and body language of the leadership of the executive arm of government.

Although the constitution provides for checks and balances, the practice of the presidential system has been promoting dictatorial tendencies with the executive delving into the affairs of other arms of government. For instance, during the Obasanjo administration, a series of impeachment cases of the leadership of the legislature and of some state governors such as Ayodele Fayose of Ekiti State, Rasheed Ladoja of Oyo state, Diepreye Alamieyeseigha of Bayelsa State, Joshua Dariye of Plateau State and Peter Obi of Anambra State, were linked to the alleged disagreement between the leadership of the executive and the legislature as well

as the strained relations between the leadership of the federal executive and those governors ( Momodu & Matudi,2013; Ogundipe, 2018; Akinsuyi, 2022).

The presidential system in Nigeria's Fourth Republic has equally been characterised by strained legislative-executive relations. Against the backdrop of the fact that one of the challenges of the parliamentary system in Nigeria between 1960 and 1966 was the power tussle between the ceremonial president, the Head of State and the Prime Minister (the Head of Government), which paralysed governance (Akinsanya, 2002), the CDC in its report, was of the view that the parliamentary system should give way for the American presidential model where the Head of State (i.e., the President) is also the Head of Government. It was believed that the adoption of the presidential system would avert conflict that characterised the parliamentary system in Nigeria's First Republic (Akinsanya & Davies, 2002). While the practice of the presidential system has succeeded in averting the conflict that would have ensued between the Head of State and Head of Government, it is creating adversarial legislative-executive relations in Nigeria. Although, in the Second Republic, that is between 1979 and 1983, legislative-executive relations were not all that strained, however, the ongoing Fourth Republic has witnessed a series of conflicts between the legislature and executive at the federal and state levels.

Several studies, such as Aiyede (2005), Ibietan & Ayodele (2019), Awotokun (2020) and Tobi & Adegbami (2020) among others, have examined some of the issues surrounding the causes and effects of the strained relations between the legislature and executive in Nigeria. Some of the narratives concluded that adversarial relations between the legislature and executive to a considerable extent have grounded governance activities on many occasions as the time and energy that ought to have been devoted to addressing issues of national importance were being used in resolving conflicts between government functionaries particularly between those in the legislative and the executive arms of government. This has been one of the undoing of the Nigerian presidential system since 1999 when the Fourth Republic came into being. It has been the primary source of instability fostering unhealthy relations among the arms of government, each trying to lord itself over the other organs of government, thereby paralysing governance (Tobi & Adegbami, 2020).

Another problem with the presidential system in Nigeria is that under the 1999 Constitutions, the President is empowered to form his cabinet by appointing ministers outside the legislature. The 1979 Constitution also contained that provision. As rightly argued by (Akinsanya, 2002), the essence of this is to enable the president to fill posts with competent candidates with proven abilities in specialised areas. Despite the utility of this practice, it has been an encumbrance to the effective functioning of the presidential system as it has become a political party affair in Nigeria. This, as reported by Akinsanya (2002) led to the appointment of some people who had little knowledge about the affairs they were expected to oversee as Ministers in Nigeria's Second Republic.

This practice is still endemic in the ongoing Fourth Republic. Instead of tapping the rich human resources potential of the country, party consideration is allowed to take the central

control thereby robbing the nation of the wealth of experience and expertise of talented individual who are not members of the ruling political party. The summary is that given the leeway given to the president to use experts and knowledgeable people as ministers, in the Nigerian context, partisan politics has been tainting this noble virtue of the presidential system.

### ***Making the Presidential System Effective in Nigeria***

Discussion in this paper showed that Nigeria has operated both the parliamentary and presidential government systems. However, the narratives on the operation of the presidential system in the Second Republic and the ongoing Fourth Republic show an apparent deviation from the aspiration of the Presidential Constitution. Hence, the clamour by many people and activists for the return to the parliamentary system jettisoned since 1979 when the presidential system was first experimented.

In some quarters, it has been argued that it is not the presidential system that is bad but the operators and environment. The clamour to jetties on the presidential system was not all that pronounced during the early parts of the Fourth Republic. Since 2015, the clamour has become an issue elevated to an unprecedented peak in the political history of Nigeria because of the mode of its operation of the presidential system seen to be promoting sectional interests hence the increasing separatist movements and other factors vitiating the corporate existence of the Nigerian State. Consequently, this study argues that the presidential system could be appealing to the Nigerian people if properly managed. This requires the following:

First, whoever occupies the president's office should act as a platform of unity and political stability. The 1999 Constitution requires the president to appoint his Ministers to reflect the country's national character. Although, this has not been jettisoned, a situation where a political party is allowed to capture this role in assigning ministerial appointments to party's faithful and stalwarts with little or no consideration for competence has little capacity of promoting effective governance and development in Nigeria. Arm twisting the President and the imposition of candidates from party stalwarts will continue to rob the country of competent hands.

Second, the principle of separation of powers inherent in the presidential system is meant to promote good governance and not undermine government effectiveness. The supremacy tussle between the legislature and executive must not be allowed to continue. Rather, checks and balances should be functional towards promoting good governance.

Third, there is the need to consider the cost of governance associated with the Nigerian presidential system. Apart from the fact that Nigeria is a federal polity that is expensive to operate in the first case, the presidential system is seen to be expensive for the Nigerian economy to sustain. As noted earlier, the emoluments of political office holders and their aides have continued to drain the country's resources leaving basic needs of the citizens unattended to. To address this contradiction, there is the need to cut the cost of governance.



Fourth, there is the need to promote strong institutions. This can be achieved if there is strict adherence to the Constitution and the rule of law. When leaders and the citizens are made to be under the law and there is adherence to the tenets of the constitution, the powers of those in leadership positions would be limited and dictatorial tendencies would reduce. These can strengthen the practice of the presidential system and deepen democratic governance in Nigeria.

### **Concluding Remarks**

Nigeria's Fourth Republic has continued to witness persistent calls to discard the presidential system. There is a plethora of opinions on this. While some are agitating for the return to the parliamentary system, which at a time was condemned and seen to have contributed to the collapse of the Firth Republic, there is another which believes in the reform of the presidential system to suit the Nigerian environment. Nigeria has been practising the presidential system since the Second Republic. While the excuse for its failure during its first experiment, that is, between 1979 and 1983 could be premised on the fact that it was strange to the Nigerian environment, same argument cannot be canvassed for the series of contradictions spawned by the practice of the presidential system since the inception of the Fourth Republic. It is important to note that while spawning appalling contradictions in Nigeria, the presidential system is working in other climes. This suggests that the presidential system is not bad to say but its effectiveness to a considerable extent depends on the mode of operation. It is the manner of operation that is making the presidential system to be spawning negative consequences for governance in Nigeria. The increasing separatist agitations, the clamour for the restructuring of the Nigerian federal system, economic crisis, and insecurity among others are all a reflection of governance deficit that has not been inclusive, participatory, transparent and people-oriented. Therefore, what is needed is good governance reflecting in increasing participation of the citizens in the governance process, transparency, and accountability of political leaders among others.

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