

The Myths and the “Meat” of Separation of Powers in Nigeria: Episodic Constitutionalism and Democratic Survival

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Abstract

Separation of powers is widely regarded as a foundational principle of constitutional democracy, designed to prevent the concentration of power and to secure political liberty. However, this doctrine is often dismissed in Nigeria, both in popular discourse and scholarly literature as mostly mythical. This is because it is mostly entrenched in constitutional texts but routinely undermined in practice by executive dominance, legislative subservience, judicial vulnerability, and pervasive elite capture. That absolutist pessimism is challenged in this paper by advancing a more nuanced account of separation of powers as an “episodic constitutional safeguard” in Nigeria’s Fourth Republic. This paper draws from doctrinal analysis, judicial decisions, and legislative practice and argues that although separation of powers in Nigeria does not operate as a stable or continuous institutional equilibrium, it has nonetheless produced notable and consequential democratic outcomes at critical moments of political crisis. It is these moments that this paper conceives as the “meat” of separation of powers and they shows that Nigerian constitutional institutions are not merely symbolic, but possess latent capacities to restrain power when constitutional survival is at stake. The analysis focuses on four landmark episodes: the judicial nullification of an illegally sustained governorship and restoration of electoral mandate (*Ngige v. Obi*); the Supreme Court’s rejection of party supremacy in *Amaechi v. INEC*; the Nigerian Senate’s refusal to confirm a presidential nominee as Chairman of the Economic and Financial Crimes Commission; and the legislative defeat of President Olusegun Obasanjo’s Third Term agenda. These cases demonstrate that separation of powers in Nigeria, while fragile and inconsistent, is neither mythical nor inconsequential. Rather, it operates selectively, becoming most effective during moments of heightened constitutional threat, elite fragmentation, and public scrutiny. The article concludes that Nigeria’s democratic challenge lies not in the absence of separation of powers, but in its failure to be institutionalized beyond moments of crisis.

Keywords: Myth, Meat, Separation of Powers, Episodic constitutionalism, democratic survival, Nigeria.

Introduction

Separation of powers is widely regarded as a foundational principle of constitutional democracy, premised on the belief that liberty is best preserved when legislative, executive, and judicial powers are institutionally distinct and capable of restraining one another (Montesquieu, 1748). Montesquieu’s classical formulation emphasized that “there can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates,” (Montesquieu, 1748). While James Madison reinforced this idea in *The Federalist No. 51*, observing that institutional checks and balances are essential to prevent tyranny (Madison, 1788). In postcolonial constitutional democracies, however, the practical operation of separation of powers frequently diverges from its theoretical promise (Suberu, 2001). Nigeria provides a particularly instructive case study.

Section 4 of the Nigerian constitution vests legislative powers in the National Assembly and state Houses of Assembly; Section 5 assigns executive authority to the President and Governors; Section 6 vests judicial powers in the courts (CFRN, 1999). Additional provisions on appropriation (s. 81), appointments (ss. 147, 153–154), and judicial financial safeguards (ss. 84, 121) reinforce this structural separation. Despite the above provision, separation of powers in Nigeria is widely perceived as ineffective, cosmetic, or routinely violated. Executive dominance over fiscal and security institutions, (Ijewereme, 2013) party-driven legislative compliance, (Umezurike, 2019) selective obedience to judicial orders (Nwabueze, 1983) and pervasive elite capture (Ijewereme, 2023) have combined to produce a dominant narrative of constitutional failure. Scholars and commentators often describe Nigeria’s separation of powers as a constitutional myth, which can simply be described as present in text, absent in practice.

While these critiques capture persistent structural and political weaknesses, they overlook moments in which Nigerian constitutional institutions have successfully checked the excesses of the executive and safeguarded democratic norms. This article rejects the binary framing of either constitutional success or constitutional failure. Instead, it advances a more nuanced thesis that separation of powers in Nigeria is neither consistently operational nor entirely mythical. It is rather episodic. Its substantive force emerges during moments of constitutional crisis, elite fragmentation, and heightened public scrutiny. This pattern which has led to long periods of institutional fragility punctuated by decisive constitutional intervention is conceptualized here as episodic constitutionalism. The above shows that the doctrine’s substantive efficacy emerges selectively but produces concrete outcomes that reinforce constitutionalism even within an otherwise fragile institutional environment.

The article proceeds as follows. Section II examines some conceptual clarifications while section III unveils the myths of separation of powers in Nigeria, analysing structural and political conditions that sustain perceptions of failure. Section IV details the “meat” of separation of powers, focusing on the four landmark cases described above. Section V explores the enabling conditions, limitations, and broader implications of these successes. Section VI concludes with reflections on how episodic constitutionalism can inform reform efforts and the consolidation of democracy in Nigeria.

2.0. Conceptual Clarifications

2.1. The Myths of separation of powers

The myths of separation of power in Nigeria encompass the perception by scholars and public that Nigeria’s separation of powers is largely symbolic, serving more as constitutional theatre than as a genuine mechanism of restraint (Suberu, 2001). It is the formalist or rhetorical invocations of constitutional separation, coupled with systemic failures in executive restraint, legislative independence, and judicial compliance (Ijewereme, 2013). Examples include pervasive budget padding, security vote dominance, routine executive interference in legislative and judicial appointments, and cross-institutional collusion for patronage purposes (Umezurike, 2019).

2.2 The “meat” of separation of powers

By contrast, the “meat” of separation of powers refers to empirically verifiable instances in which constitutional institutions actively constrain executive power and alter political outcomes. The prevailing truth is that it is operational rather than merely structural. The “meat” therefore captures the substantive realization of separation of powers. It answers the question: “When does the constitutional design actually work?” Unlike the “form,” which is static and textual, the “meat” is dynamic and behavioral. It is visible in concrete episodes like judicial nullifications of executive outcomes, legislative rejection of constitutional amendments, or refusal of confirmations. Most importantly, the “meat” is episodic rather than continuous. It does not require constant confrontation; it requires demonstrable capacity for resistance when constitutional limits are tested.

Episodic Constitutionalism

Episodic constitutionalism refers to a constitutional order in which institutional safeguards become substantively effective primarily during moments of acute political crisis, elite fragmentation, or legitimacy contestation, rather than through routine and continuous enforcement. The pattern of separation of power observable in Nigeria’s Fourth Republic does not fit neatly within either the model of stable constitutional equilibrium or the thesis of systemic institutional collapse. The Nigerian constitutional order is neither fully consolidated nor entirely hollow. Instead, what emerges is a pattern of episodic activation i.e. moments in which constitutional safeguards move from dormancy to operational potency. This informs the reason why this article conceptualizes this pattern as “episodic constitutionalism”.

Unlike classical Madisonian constitutionalism, which presumes ongoing rivalry among co-equal branches (Madison, 1788/2003), episodic constitutionalism describes a system where institutional resistance is not constant but contingent. In such systems, separation of powers is structurally embedded in the constitutional text yet politically activated only when certain enabling conditions converge. Nigeria's 1999 Constitution clearly establishes structural separation among the executive, legislature, and judiciary (Constitution of the Federal Republic of Nigeria [CFRN], 1999, ss. 4–6). However, the operationalization of these provisions varies significantly across political contexts. In ordinary periods characterized by elite consensus or executive dominance, constitutional safeguards appear weak. During moments of crisis such as disputed mandates, constitutional amendments perceived as regime-entrenching, or contested executive appointments, these same institutions suddenly display resilience.

This dynamic aligns partially with O'Donnell's (1994) account of "delegative democracy," in which executive power tends toward dominance but faces periodic institutional pushback. It also resonates with Levitsky and Way's (2010) observation that hybrid regimes often contain pockets of institutional autonomy that become consequential under conditions of elite division. Thus, episodic constitutionalism captures a middle category between democratic consolidation and authoritarian capture. It acknowledges constitutional functionality without romanticizing systemic strength.

Section III: The Myths of Separation of Powers in Nigeria (1999–2026)

The doctrine of separation of powers is a cornerstone of democratic governance. It is designed to prevent the concentration of power in any one organ of government and to ensure that each branch i.e. Executive, Legislature, and Judiciary functions as a check on the others (Nwabueze, 1983). In Nigeria, the 1999 Constitution enshrines this principle, providing the legal architecture for an effective system of checks and balances. Sections 4, 5, and 6 vest legislative, executive, and judicial powers in their respective organs; Sections 81, 147, 153–154, and 217 delineate cooperation and oversight mechanisms; and provisions on judicial appointments and tenure (Sections 84, 121) aim to safeguard independence. Despite these constitutional guarantees, the separation of powers in Nigeria has frequently been described as more myth than reality (Akala & Masagbor, 2023). These myths are not entirely unfounded, they arise however from observable structural weaknesses and repeated institutional distortions.

3.1 Executive Dominance

One of the enduring myths of Nigeria's separation of powers is the perception that the executive is overwhelmingly dominant. While the Constitution grants the President and governors prerogatives to check other arms such as the powers of pardon (Sections 175, 212), legislative assent (Section 58), and judicial oversight, political practice often translates these provisions into instruments of control rather than constitutional balance. Although the Constitution provides checks on executive authority, the political consolidation of fiscal control, security apparatus, and appointment powers has tilted practical influence toward the executive. This has piqued Nnajofofor and Nnajofofor (2025a) to argue in *The Reality and Practice of Separation of Powers in Nigeria*, that the executive has increasingly relied on fiscal centralization, security architecture, and appointment leverage to shape institutional outcomes beyond constitutionally intended limits. Similarly, in their examination of legislative law-making performance, Nnajofofor and Nnajofofor (2025b) demonstrate how executive bill dominance structurally reduces legislative initiative, reinforcing vertical dependency.

In the Fourth Republic, executive overreach is evident in several instances. For example, the unilateral imposition of the fuel subsidy removal by the Obasanjo administration in the mid-2000s bypassed legislative input, only temporarily restrained by the suspension order of the Abuja Federal High Court (Oraegbunam, 2007). Similarly, local government reforms spearheaded by the federal executive circumvented state legislatures, violating the constitutional distribution of authority over local governance (Oraegbunam, 2007). Beyond legislation, the 2016–2021 incursions of the State Security Service (DSS) into judges' residences demonstrated a more insidious form of executive encroachment on judicial

independence, even during ostensibly democratic governance (Nwauzi, 2023). These raids on judicial officers’ residences illustrated how security mechanisms could intrude into judicial autonomy (Nwauzi, 2023). While framed as anti-corruption measures, their constitutional symbolism shows executive encroachment into a co-equal branch. It also collectively portray the executive as frequently exercising powers outside the constitutional limits, reinforcing the perception that separation of powers is largely ceremonial. This executive dominance nonetheless fuels the perception that separation of powers exists more in constitutional text than in political practice.

3.2 Legislative Subsistence

The legislature is constitutionally empowered to amend appropriation bills (CFRN, 1999, s. 81), confirm appointments, and conduct investigations. This empowerment theoretically positions it as a fiscal gatekeeper and equally to act as an independent check on the executive. However, this legislative autonomy is frequently mediated by party loyalty and patronage networks and has made them to oscillate between assertiveness and complicity. In their study of Nigeria’s law-making process, Nnajiiofor and Nnajiiofor (2025b) demonstrate that executive-sponsored bills consistently dominate legislative output, reducing institutional independence.

Historically though, the Nigerian legislatures have been closely aligned with the executive party in power. During the 1999–2015 periods, the legislatures were dominated by the Peoples Democratic Party (PDP), as a result, the legislative leadership selection and policy decisions often mirrored executive priorities (Adegbite, Oduniyi & Farinde, 2016). Also, the budgetary process illustrates this dynamic. While the Constitution empowers the National Assembly to amend budget proposals (Section 81), the 8th National Assembly (2015–2019) was accused of “budget padding” in the 2016 Appropriation Act, which whistleblower Abdulmumin Jibrin suggested included billions for unbudgeted constituency projects (Adegbite et al., 2016). Though proponents argue these amendments ensured equitable resource distribution, the episode underscores how party dominance and patronage can compromise legislative autonomy. Whether framed as equitable distribution or patronage insertion, the episode blurred the line between constitutional amendment authority and fiscal opportunism. At the state level, governors routinely manipulate local legislatures to rubber-stamp decisions, particularly in relation to local government elections and appointments (Adegbite et al., 2016).

Empirical review of National Assembly proceedings reveals that committee oversight hearings frequently culminate in negotiated settlements rather than adversarial enforcement (Nnajiiofor & Okpala, 2025). This pattern is especially visible in investigations involving revenue-generating agencies and regulatory institutions. These practices have perpetuated the myth of legislative independence

3.3 Judicial Vulnerability

Sections 84 and 121 of the Constitution provide for judicial financial protections and allowed for judicial salaries to be charged upon the Consolidated Revenue Fund. But the reality is that the administrative release mechanisms historically involved executive mediation and as such, it remains undermined by structural and political pressures. This is because judges rely on executive-controlled budgets, appointment powers, and administrative infrastructure, which makes them susceptible to subtle influence or coercion (Anumba, Ezeora & Onodugo, 2023; Otoghagua, 2007). Also implementation of full judicial financial autonomy at state levels has been uneven. The judiciary has also faced political pressure in high-stakes election litigation and constitutional disputes. Delays, procedural technicalities, and executive-aligned prosecutorial strategies have occasionally undermined public confidence.

High-profile instances illustrate this vulnerability. The 2023 presidential election petitions, in which opposition parties challenged the All Progressives Congress (APC) victory, were protracted under circumstances widely perceived as influenced by executive-aligned legal appointments, including the

Attorney General's political involvement (Otoghagua, 2007). Similarly, the DSS raids on justices' homes in 2016 and 2021, including that of Justice Mary Odili, exemplify executive intimidation that compromises judicial impartiality (Nwauzi, 2023). More critically, enforcement of judicial decisions remains an empirical vulnerability. Executive non-compliance with certain court orders during the Fourth Republic has periodically weakened the judiciary's institutional authority. These practices reinforce the myth that the judiciary is fully autonomous when, in practice, it often operates under the shadow of executive power.

Yet vulnerability does not equate to institutional irrelevance. It is safe to say here that judicial vulnerability coexists with judicial boldness. This is because the same judiciary that was perceived as structurally fragile has produced transformative constitutional rulings. This paradox forms the bridge to the "meat" of separation of powers.

3.4 Cross-Institutional Corruption and Elite Capture

The final myth relates to cross-institutional collusion. Budget padding, security votes, and politically influenced confirmations highlight how elite networks across branches can undermine constitutional checks. When executives, legislators, and judicial officials share political or economic interests, constitutional separation is functionally weakened. The repeated alignment of legislative and executive priorities, often at the expense of independent oversight, demonstrates how corruption and elite capture perpetuate the myth that Nigeria's separation of powers is effective (Ezeodili et al., 2023).

Across these domains, separation of powers in Nigeria is episodically functional but systematically fragile. Constitutional provisions exist, but political realities like executive dominance, legislative subservience, judicial vulnerability, and elite capture frequently render them ineffective. The public perception that separation of powers "does not work" is therefore rooted in observable practices, particularly in the Fourth Republic, yet it obscures instances where institutions have asserted independence, which will be analyzed in Section IV ("The Meat of separation of power in Nigeria).

Section IV: The "Meat" of Separation of Powers in Nigeria

While the preceding section analyzed the myths surrounding separation of powers in Nigeria, this section demonstrates that, contrary to pervasive perceptions, constitutional institutions have, at key historical junctures, exercised autonomy and restrained executive power. These instances constitute the "meat" of separation of powers in Nigeria's Fourth Republic: episodic yet consequential interventions in governance that reaffirm constitutional supremacy. The section focuses on four landmark episodes, illustrating the judiciary's and legislature's capacity to assert independence in the face of political pressure.

4.1 Executive-Legislature Confrontations

One of the most illustrative episodes occurred in the Ngige v. Obi dispute (2006–2007) in Anambra State. The dispute emerged from the 2003 Anambra governorship election. Peter Obi of the All Progressives Grand Alliance (APGA) challenged the declared victory of Chris Ngige of the PDP. After protracted litigation, the Court of Appeal nullified Ngige's election and declared Obi the rightful winner. The empirical significance of this declaration lies on perceived duration and pressure in that the case unfolded amid intense political contestation and reported interference. The court on its own relied heavily on electoral evidence assessment and constitutional provisions governing election petitions. As a result of its political consequence, the ruling immediately reconfigured state executive authority. Unlike routine electoral disputes resolved quietly, this case unfolded under national scrutiny. The judiciary's decision demonstrated capacity to override entrenched political interests.

Notably, the decision also clarified tenure computation, establishing that Obi's tenure would begin from the date of oath-taking, not the general election cycle which further reinforcing constitutional textualism. This ruling was not symbolic separation of powers; it materially altered executive occupancy.

4.2 Amaechi v. INEC (2007): Party Supremacy and Constitutional Limits

Similarly, the Amaechi v. Omehia controversy in Rivers State (2007–2008) demonstrated the interplay of constitutional powers, party politics, and judicial intervention. The controversy presented a novel constitutional question: can a political party substitute a candidate after primaries without lawful justification?

The Supreme Court held that although votes cast in an election belong to the political party, unlawful substitution violates constitutional rights of duly nominated candidates. Celestine Omehia was removed, and Rotimi Amaechi was declared governor despite not appearing on the ballot. The ruling rested on constitutional interpretation of Sections 221–229 and statutory electoral provisions. It established two doctrinal principles:

1. Party supremacy is not absolute.
2. Internal party processes are subject to constitutional review.

Empirically, the decision disrupted executive-party coordination and signaled that judicial review extended into intra-party disputes where constitutional rights were implicated.

Hence, the judiciary exercised its constitutional role to correct party-induced distortions, highlighting both the potential and limits of separation of powers when political actors manipulate internal party structures (Ndukwe, Omeje & Ogbu, 2023). The immediate political outcome reinforced judicial authority as a decisive institutional actor.

4.3 Legislative Oversight and Executive Resistance

Senate vs. Magu case (2015–2020) represents a critical moment for legislative oversight. The Economic and Financial Crimes Commission (EFCC) Chairman appointment required Senate confirmation under statutory interpretation. The President nominated Ibrahim Magu twice; the Senate declined confirmation, citing adverse security reports.

Despite evidence of executive pressure, the legislature asserted its constitutional prerogative to confirm or reject appointments (Section 153, CFRN, 1999). The case exemplifies the struggle of the legislature to exercise its powers independently of the executive, a cornerstone of the separation of powers doctrine (Adegbite et al., 2016). This episode is empirically significant because:

1. It unfolded over multiple sessions.
2. Executive insistence met legislative resistance.
3. Constitutional interpretation of appointment powers became contested terrain.

Although Magu continued in acting capacity for a period, the Senate’s refusal to confirm him as EFCC Chairman, despite repeated executive nominations, demonstrated legislative assertion of confirmation authority. Even though political motivations were debated, the constitutional outcome was clear: legislative gatekeeping power was exercised rather than surrendered. But the protracted confirmation process revealed both legislative resilience and structural vulnerabilities, as political alliances often diluted rigorous oversight. This episode also illustrates episodic activation: institutional autonomy surfaced when political alignment fractured and confirmation authority became politically salient.

Budgetary oversight also reflects the tension. The 2016 Appropriation Bill controversy revealed allegations of “budget padding,” in which members of the 8th National Assembly were accused of inserting billions of naira for constituency projects, ostensibly for political patronage (Adegbite et al., 2016). While the legislature constitutionally has the authority to amend budgets, the episode reinforced public skepticism about the independence of the National Assembly and its ability to check executive excesses.

4.4 Judicial Autonomy under Political Pressure

Judicial independence remains a recurring challenge, especially when executive actions impinge on institutional autonomy. The “Third Term Agenda” attempt during the Obasanjo administration (2006–2007), which sought to amend the Constitution to extend presidential tenure, provoked both legislative and judicial resistance. The proposal represented a direct challenge to Nigeria’s democratic framework. In fact, its eventual defeat in the Senate preserved the two-term limit and prevented executive entrenchment.

The legislative resistance illustrates that constitutional amendment rigidity (CFRN, 1999, s. 9) can operate as a democratic safeguard when institutional actors assert autonomy.

The judiciary, though not directly ruling on the amendment, provided interpretative guidance on constitutional limits, while civil society mobilization highlighted the importance of checks and balances (Otoghagua, 2007).

Executive influence over judicial appointments has also been a persistent concern. For example, the 2023 presidential election petitions raised issues of perceived partiality, where the Attorney General, a political appointee, represented the executive in cases that directly challenged the APC victory. Delays and procedural tactics contributed to the perception that the judiciary operates under executive shadow, undermining public confidence in separation of powers (Otoghagua, 2007; Nwauzi, 2023).

4.5 Patterns of Elite Capture and Cross-Institutional Collaboration

It is important to point out a pattern that is visible across these cases and this emerging trend is that, while constitutional provisions enable checks and balances, elite capture often subverts them. The executives, legislators, and judicial actors frequently share political, economic, or party-aligned interests that compromise institutional independence. This phenomenon is evident in state-level politics, where governors influence legislative houses and judicial appointments, effectively blurring institutional boundaries (Adegbite et al., 2016; Anumba, Ezeora & Onodugo, 2023).

Worthy of note at this juncture is that not all interactions result in institutional collapse. The Supreme Court’s rulings in *Ngige v. Obi* and *Amaechi v. Omehia*, as well as legislative resistance in the Magu confirmation process, illustrate moments where separation of powers functioned as intended, albeit under duress. These episodes suggest that while Nigeria’s separation of powers is often weakened, it is neither wholly absent nor incapable of producing checks on abuse.

In synthesis, the Fourth Republic experience (1999–2026) demonstrates that separation of powers in Nigeria is a dynamic contest. Constitutional text provides the framework, but political behavior, party dominance, and elite networks shape outcomes. Executive dominance, legislative subservience, judicial vulnerability, and cross-institutional collusion produce a system where separation of powers is frequently aspirational rather than operational. Nonetheless, critical interventions by the judiciary and legislature reveal that constitutional mechanisms retain the potential to restrain excesses and reinforce democratic accountability.

V1. From Episodic Survival to Institutional Normalization

The central theoretical question is not whether separation of powers exists in Nigeria, certainly it demonstrably does. The more pressing question is why its operation remains crisis-dependent rather than routinized.

Democratic consolidation requires transforming episodic activation into ordinary governance practice. As Linz and Stepan (1996) argue, democracy becomes consolidated when it becomes “the only game in town” and this can only happen when institutions function predictably rather than exceptionally. Nigeria’s

constitutional order survives through moments of institutional courage. The democratic challenge ahead is to normalize that courage and some of the ways to normalize this courage includes.

5.1 Financial Autonomy of the Judiciary

Judicial independence is materially constrained without financial autonomy. Although constitutional provisions guarantee judicial independence (CFRN, 1999, s. 121(3)), executive control over funding historically undermines their operational independence.

Full implementation of judicial financial autonomy in Nigeria would reduce executive leverage and transform reactive judicial intervention into proactive constitutional guardianship. Comparative constitutional experience demonstrates that fiscal insulation enhances institutional independence (Russell & O'Brien, 2001).

5.2 Legislative Institutional Capacity

Strengthening legislative research services, committee staffing, and fiscal analysis capacity would institutionalize oversight beyond moments of political confrontation. Oversight must become structural rather than adversarial (McCubbins & Schwartz, 1984). This is needful because legislative oversight requires technical expertise, research capacity, and independent policy analysis. Where legislatures lack professional research infrastructure, executive informational dominance persists.

5.3 Enforceable Sanctions for Executive Non-Compliance

One of the most significant threats to constitutional normalization is executive non-compliance with judicial orders. Where court decisions lack enforcement consequences, constitutional authority weakens. Institutionalizing clear sanctions especially through legislative mechanisms, budgetary consequences, or impeachment triggers would reinforce judicial supremacy and deter selective obedience. Scholars have maintained severally that credible enforcement, constitutionalism becomes aspirational.

In sum, the Nigeria's constitutional experience reveals neither myth nor miracle. It reveals intermittent activation. Separation of powers is not illusory; it is crisis-responsive. Episodic constitutionalism explains how a constitutional order may endure without full consolidation. It survives through moments of institutional awakening. Yet democratic maturity demands more than episodic survival. It demands routinized constitutionalism where safeguards operate not only when threatened but as ordinary practice. Separation of powers in Nigeria is not a myth. It is an intermittently awakened safeguard. The task ahead is to keep it awake.

VI. Conclusion and Recommendations

The principle of separation of powers is a cornerstone of democratic governance, designed to prevent the concentration of authority and to ensure accountability across the three arms of government. In Nigeria, the 1999 Constitution formally enshrines this doctrine, granting the Executive, Legislature, and Judiciary distinct powers and mechanisms for mutual oversight. Yet, as this study demonstrates, the practice of separation of powers in Nigeria remains fraught with challenges, giving rise to the perception that it is more myth than reality.

Executive dominance is manifested through the unilateral disregard of court orders, control over security agencies, and political influence over the legislature continues to undermine institutional checks. Legislative subservience, often rooted in party loyalty and historical legacies of military rule, constrains the National Assembly's ability to serve as an effective counterbalance. The Judiciary, while constitutionally independent, faces funding constraints, appointment and promotion pressures, and periodic intimidation by executive security agencies, all of which compromise its impartiality. Nevertheless, contemporary Fourth Republic cases such as *Ngige v. Obi* (2006–2007), *Amaechi v.*

Omehia (2007–2008), the Magu confirmation process (2015–2020), and the judicial intervention against the Third Term Agenda (2006–2007) illustrate that constitutional mechanisms can still function as effective checks, particularly when judicial and legislative actors assert institutional autonomy. These instances suggest that separation of powers in Nigeria, while weakened structurally and politically, retains the potential to uphold constitutionalism and democratic accountability.

The findings of this study underscore that Nigeria's democratic consolidation depends not merely on formal constitutional provisions, but on the consistent enforcement of institutional autonomy, political accountability, and civic vigilance. To move the practice of separation of powers in Nigeria from episodic activation to institutional normalcy requires more than technical reform; it requires a philosophical reorientation toward constitutional responsibility. Separation of powers is not merely a structural arrangement among branches of government but an ethical architecture designed to restrain arbitrariness and preserve political liberty. As Montesquieu (1748/1989) warned, liberty is imperiled where power is unchecked. Thus, strengthening the Nigerian constitutional order demands cultivating institutions that internalize restraint as a democratic virtue rather than being deployed only in moments of crisis.

Judicial autonomy must be understood not simply as administrative independence but as a moral safeguard against executive domination. Financial and procedural independence at both federal and state levels is essential if the judiciary is to function as a counter-majoritarian guardian of constitutional norms. Transparent and merit-based processes for judicial appointments, promotions, and discipline are philosophically significant because they insulate adjudication from partisan capture and reinforce the idea that constitutional interpretation is a public trust rather than an executive extension. Judicial courage flourishes where institutional security exists.

Legislative strengthening likewise requires more than increased funding; it demands institutional self-consciousness. A legislature that lacks research capacity, fiscal expertise, and professional oversight infrastructure cannot meaningfully scrutinize executive action. Yet beyond technical capacity lies the deeper problem of partisan subordination. Where party dominance eclipses institutional autonomy, the legislature ceases to function as a deliberative body and becomes instead an instrument of executive will. A philosophically robust separation of powers presupposes a legislature committed to constitutional fidelity over partisan expediency. Executive accountability, in turn, must be anchored in the principle that constitutional authority is limited authority. Compliance with judicial orders and legislative summons cannot be treated as optional political calculations. Mechanisms that impose tangible consequences for non-compliance would reinforce the supremacy of law over discretion. Likewise, careful limitation of emergency powers, appointment prerogatives, and fiscal discretion ensures that executive energy, while necessary for governance, does not slide into constitutional overreach. In Madisonian terms, ambition must be made to counteract ambition—but within lawful bounds (Madison, 1788/2003).

Finally, the normalization of separation of powers depends upon civic consciousness. Civil society organizations, professional associations, and the media function as auxiliary guardians of constitutional culture. Public education on constitutional rights and institutional boundaries deepens democratic expectations and raises the political cost of abuse. Constitutionalism endures not solely because of institutional design, but because citizens demand its observance (Habermas, 1996). In sum, transforming separation of powers from intermittent safeguard to operational reality requires embedding constitutional restraint within institutional practice and political culture. Structural reform, ethical leadership, and civic vigilance must converge. Only then will separation of powers in Nigeria cease to appear episodic and instead become a routine expression of democratic maturity and the rule of law.

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