



Research Article

© 2020 Kunle Awotokun.

This is an open access article licensed under the Creative Commons Attribution-NonCommercial 4.0 International License (<https://creativecommons.org/licenses/by-nc/4.0/>)

Received: 25 June 2020 / Revised: 27 July 2020 / Accepted: 4 August 2020 / Published: 23 September 2020

The Nigeria's Presidentialism and the Burden of Profligacy in an Inchoate Constitutional Democracy

Kunle Awotokun

Obafemi Awolowo University,
P.M.B. 13, Ile-Ife, Osun 220282, Nigeria

DOI: <https://doi.org/10.36941/mjss-2020-0053>

Abstract

The Nigeria's presidential democracy has largely failed to meet the yearnings of the people. The government is deficit in the much-needed infrastructural development. Indeed, most of the existing institutions are in a state of coma. A cursory examination of the political architecture depicts waste coupled with high cost of governance at all tiers of government namely local, state and federal. The cost of running presidential democracy is astronomically high bordering on extravagance in a country that is riddled with mass poverty, youth unemployment resulting in insecurity of life and property, kidnapping, armed robbery, banditry etc. The question is how can the state arrest waste and channel human and material resources towards projects that can impact positively on the socio-economic well-being of the citizenry. This work will respond to these interrogations. The paper will employ secondary data such as journals, books, magazines and periodicals to elicit information necessary for its analysis.

Keywords: Nigeria, Presidentialism, profligacy, inchoate, constitutional, democracy

1. Introduction: The Background to Nigeria's Presidentialism

The Nigerian presidential system of government has been largely informed by the United States of America's presidentialism. The background to the adoption of the presidential system being that Nigeria had to abandon its colonial heritage of Westminster (parliamentary) system for what it thought ostensibly to be more dynamic and capable of engendering strong leadership at the center. For Nwabueze (1981), the rationale for the adoption of presidential democracy is hinged on the need for principle and probity in government and politics, the centrality of man's humanity, the national unity and stability, need for effective government, need for economic development and need for limitations on government.

Indeed, the body language of the then federal military government headed by late General Murtala Muhammed never left anybody in doubt as it concerns its preference. The Constitution Drafting Committee (CDC) was saddled with task of evolving a constitution framework that will *inter alia*:

- (i) eliminate cut-throat political competition based on a system or rules of winner takes all. As a corollary, it should discourage electoral malpractices;
- (ii) Discourage Institutional Opposition (*emphasis mine*) to the government in power and instead develop consensus politics and government, based on a community of all interests rather than the interest of sections of the country;

- (iii) Firmly establish the principle of public accountability for all holders of public office. All public office holders must be seen to account openly for their conduct of affairs.
- (iv) Eliminate over-concentration of power in a few hands, and as a matter of principle, decentralise power whenever possible as a means of diffusing tension. The powers and duties of leading functionaries of government should be carefully defined. For ease of reference, see the Federal Republic of Nigeria (1975).

From the above, the then military government left its preference for a centralised governmental system anchored on a personality with executive power that can galvanise changes and development. Secondly, unlike parliamentary democracy, presidentialism does not harbour institutionalised opposition. Hence, the government wanted a president that will command respect of a sizeable number of the citizens of Nigeria. It is for this reason that a presidential material must win at least twenty-five percent (25%) in at least two-third of the states of the federation in addition to winning the highest votes in the total votes cast (1999 Constitution).

Be that as it may, how has the citizenry fared under the presidential system of government in Nigeria? What is the perception of the people towards the political structure emanating from the presidential system? What have been the peoples' experiences since the operationalisation of presidential system in Nigeria. These and many other questions are what this work intends to address shortly.

2. The Peoples' Perception

The first thing to note is that like the Westminster democracy which was tainted to have failed following the January 15, 1966 military coup d'état, the presidential system also met its Waterloo on the 31st December 1983. Hence, none of the models have proved significantly better on that score. It must be emphasised with all sense of responsibility that the endurance of presidentialism since 1999 (about twenty years ago) is not so much about its merits, but that military coup d'état is no longer fashionable in the comity of nations. The United Nations Organisation (UNO) and the US have in the last two and half decades championed democratisation and democracy as the most viable system of governance worldwide.

However, the major worries (contention) about the presidential system is not so much about its suitability or workability. The exasperated worries of people has been in the area of the cost of governance, taking cognizance of a fragile mono-economic nature (petroleum) of the Nigerian state which is highly volatile to economic doldrums in the world market. For instance, Awotokun (2001) opined that the cost of administering the presidential system is prohibitive in a Nigeria's fragile economy. The president has well over forty (40) assistants, special assistants, senior special assistants each of about cabinet rank; thirty- six ministerial positions (at least one from each state). The presidential aides each has at least twelve (12) personal staff and a budget. The federal ministers also have aides and appurtenants. This has invariably translated our democracy as a colossal and perhaps largely unwieldy presidentialism. Indeed, until very recently with the establishment of Economic and Financial Crimes Commission (EFCC), many political functionaries were insulated from legislative oversight (investigations) as provided for in the constitution.

The legislative institutions of the House of Representatives and Senate otherwise known as National Assembly (NA) are not better. The House of Representatives has three hundred and sixty (360) seats and the Senate one hundred and nine (109) seats making a total of four hundred and sixty-nine (469) federal legislators. Since the inception of the Fourth Republic in 1999, the National Assembly has always been criticised for drawing a huge emolument at the expense of the generality of the people. For instance, a senator earns N954,096, while a member of the House of Representatives earns N794,084 on monthly basis, aside from allowances that are more than their salaries. Such allowances cover, but not limited to, accommodation, furniture, overseas trips, motor vehicle loan, car fueling, medicals, special assistants, domestic staff, entertainment, leave bonus, wardrobe allowance, and severance gratuity. To date, it is an open issue that the totality of salary packages and

emolument of the National Assembly is shrouded in mystery. In the eighth (8th) National Assembly under the leadership of Dr. Bukola Saraki, an idea of putting all principal officers of National Assembly on pension for life was muted. In Nigeria, federal lawmakers are known to have hiked figures in the annual budget under the guise of legislature scrutiny of the budget. They always award umbrageous amount of money for themselves tagged constituency allowance. The NA spends about twenty five percent (25%) of the annual budget expenditure in Nigeria. This unwieldy structure of expenditure applies also to the political apparatus of the state and local governments in Nigeria each with independent executive and legislature.

In addition, the bureaucracies in the federal, thirty-six states, federal capital territory and seven hundred and seventy-four (774) local governments have been over-bloated over time. This has caused the recurrent expenditure of the government at all levels to rise astronomically at the expense of capital projects. The Nigerian citizenry have perceived government and indeed presidential democracy as a burden owing to repeatedly high recurrent expenditure which has always exceeded capital expenditure. The implication of this scenario is that when a large chunk of public fund is expended by political elite, it will be difficult (if not impossible) to allocate resources judiciously to other critical areas of development such as Health, Education, etc.

The Nigerian public space has been infested with drones, lackeys, surrogates, ghost workers and numerous aides without clear-cut schedule of duties. This has led to continued rising cost of governance which has not translated into corresponding service delivery and efficiency of the workforce. The net result is that the economy has virtually become disarticulated and descending very precipitously to a state of coma.

In view of the seriousness of the scenario painted above, what are the options for the Nigerian state? How can this situation be brought under control? In a matter like this, we venture to provide different options for Nigeria.

3. The Options

The first option is to continue with the presidential system of government, with drastic reduction on the spending profile of all the tiers of government of the federation. However, there is need to admit that such exercise may turn barren, because to persuade the political class to reduce their level of comfort may be a herculean task. This must necessarily go through legislation which a good number of them will unite to oppose. The Presidential Advisory Council (PAC) headed by Lt. General Theophilus Yakubu Danjuma under the presidency of Goodluck Jonathan had made similar move in the past. The PAC advised President Jonathan to reduce the number of ministers from forty-two (42) to eighteen (18). It also recommended the fusion of non-ministerial agencies to avoid overlap and unnecessary duplication and redundancy. The presidential response was negative, ostensibly based on the number of ministerial appointees which every state is expected to produce at least one. There are thirty six states in Nigeria, hence forty-two ministers are still too high a number. The president could have presented an executive bill to the National Assembly for reduction of ministerial appointees to geo-political zones instead of states. Three ministers from each zone would have made a total number of eighteen (18) ministers, but this was not to be.

This same argument can be advanced for the reduction of the number of law makers at the national and state houses of assembly. The total number of the law makers at the House of Representatives stands at three hundred and sixty (360), this though based on the population can be roughly estimated at an average of ten (10) per state. This number (360) can be reduced by half (180) and the same population criterion applied across the states of the federation. The one hundred and eighty (180) members would have been politically groomed so as to be able to make meaningful impact at the floor of parliament. The present figure is too wieldy, this had made the indolent ones among them to keep mute on the floor of the chamber or indulge in absenteeism most of the time. The argument can also be extended to the senate. The total number of senators is one hundred and nine (109), with three (3) per state and one for Federal Capital Territory. The number can be reduced

to two (2) per state, and one to represent Federal Capital Territory to make a total of seventy-three (73). The senatorial districts can be restructured to accommodate the reduction in the number.

The other alternative is to reduce the working of our legislative institutions to part-time. By this, the salaries of legislators will be based on the number of times they sit and are physically present rather than drawing salaries and emoluments on full-time basis.

In the alternative, Nigeria can decide on drastic reduction of emoluments of political executives and members of the legislature by thirty-five per cent (35%) across board. The foreign trips and entitlements should also be reviewed with drastic reduction. There is an urgent need, through appropriate legislation, to re-invigorate the Revenue Mobilisation and Fiscal Commission (RMFC) to fix salaries of all public sector employees including the executive, legislature and judiciary. On no account should the three arms of government be allowed to fix their own salaries and emoluments, without the input of RMFC. The RMFC should be insulated from political manipulations by all arms of the government. If the RMFC is well composed, it will go a long way in assisting to inject sanity in the fixing of salaries and emoluments of public officials.

The Nigerian democratic system is still in the transition stage and as such, there is need to undertake a systemic review of the present democratic model of presidential system. We need to interrogate presidential democracy with all its paraphernalia in Nigeria, and see whether we can afford it. If otherwise, what are the options to choose from as a country? One of the options is Westminster (parliamentary) model of governance. For this reason, let us compare briefly the presidential and parliamentary democracies.

4. Presidential and Parliamentary Democracies Compared

The presidential model conjures a strong and centrally focused political leadership. This kind of political model will easily have attraction in a more enlightened and relatively homogeneous political landscape. A strong and highly centralised political leadership has not (and may not) worked in Nigeria, with diverse ethnic nationalities and long history of ethnic rivalries and mutual suspicion of one another. Indeed, presidential system has given rise to general psychological fear of insecurity and domination by other ethnic groups by the ethnic group of the president. For instance, the current imbroglio between the nomadic herdsmen (who are mostly Fulani) and the farmers all over the country has been perceived as an expansionist agenda of the Fulani (the ethnic group of President Buhari) to islamise and annihilate other ethnic groups (Awotokun, 2020). This allegation has largely put the Nigerian presidency under Muhammadu Buhari on the defensive.

In the parliamentary system, the political leadership that will emerge over time is expected to be diffused. It is not centralised, the prime minister will only campaign in his constituency as a candidate of a party into the House of Representatives. He (the prime minister) will only face his colleagues as political party with the highest number of parliamentarians to become **Primus inter pares** (first among equals). This process is very cheap, unlike a presidential candidate that is expected to campaign in the nooks and crannies of the country to solicit for votes with its attendant costs.

The parliamentary system engenders the fusion of the executive and the legislature, in the sense that the prime minister must choose his cabinet members among the legislators usually with the consent of other leaders of the party thereby encouraging intra-party consensus and harmony. The president could gather his cabinet outside the party platforms. The president is expected to lobby and build coalitions on every issue. The Westminster democracy has institutionalised mechanisms to ensure legislative majorities thereby engendering stability of the polity.

Another beauty of the parliamentary system is that it provides a simple mechanism for deposing (dissolving) the parliament and the executive without damage to the body politic. When a vote of no confidence is successfully passed, the prime minister and the cabinet stand dissolved, thereby paving way for a fresh election. Presidential system does not provide for a straightforward means of replacing the president. The impeachment provision in Nigeria's second and fourth republics is reserved for 'gross misconduct'. Who defines what constitutes 'a gross misconduct'? The National Assembly must

work in concert with the judiciary to determine the fate of a sitting president. Impeachment of president in a fragile democracy like Nigeria may lead to unprecedented crises, inter-ethnic rivalries, cleansing etc, the end of which no man can predict. In other words, Nigeria lacks political capacity, culture and maturity to absorb the shocks that may emanate from such exercise.

The interpretation of separation of powers between the Executive and legislature in the presidential system has often been wrongly interpreted in Nigeria. It has more often than not led to consistent and protracted differences between the president and the National Assembly. It has in most cases affected the ability of the president to deliver the dividends of democracy to the people. President Shehu Shagari in the Second Republic, Olusegun Obasanjo and Muhammadu Buhari in the eighth National Assembly of the Fourth Republic suffered this fate.

In terms of the cohesion of the polity, parliamentary democracy normally features dependence between the executive and the legislature (parliament) while presidential system reinforces or underscores mutual independence between the executive and the legislature. The differences between the executive and the legislature in presidential democracy are often accentuated because each of them have separate and fixed mandate from the electorate.

In view of the heterogeneity of the Nigerian state, it seems that parliamentary system of government would have been a credible option, even with all its own shortcomings. However, Nigeria could embrace a mixed grill of parliamentary and presidential systems. It is a variant Susser (1989) calls parliadential system of governance. Briefly defined, parliadentialism is a system of governance founded and inspired on co-equal relationship between the prime minister and the president, all deriving their power, functions and existence from the constitution (Awotokun, 2015). It is a political institutional framework which recognises dual executive power of the prime minister and the president. This power sharing mechanism can be used as a political leverage between the Northern and Southern parts of Nigeria. The dualistic tendencies in governance in Nigerian political landscape is legendry, especially between 1975-1999 of military dictatorship between Murtala/Obasanjo (1975), Obasanjo/Yar'Adua (1976); Buhari/Idiagbon (1983), Babangida/Aikhomu (1985); Abacha/Diya (1993) and Abacha/Aigbe (1999).

The modification will be that the prime minister, will be a choice of the party with the highest votes, who himself (prime minister) would be a parliamentarian. Like the prime minister, the president will be a parliamentarian, but will emerge via the electoral college and could come from any party with membership in the House of Representatives. The two positions of prime minister and president must be rotated alternatively among the six geo-political zones of Nigeria namely North-west, North-east, North-central, South-west, South-east and South-south. The political re-engineering of Nigeria's political space according to Awotokun (2015) has the propensity to absorb the centripetal forces in a polity fraught with ethnic rivalry and suspicions. Hence, all myth of regional (especially Northern) domination of Nigerian government and politics would have been contained. In addition, every zone (if not all ethnic nationality) would be involved in governance at the federal level. This is the only way by which session secessionist agitations can be put in abeyance. By this arrangement, the positions of Vice-President, Senate President and Speaker, House of Representatives have been abrogated, thus reducing the cost of governance.

Finally, it must be admitted that parliadential democracy is one which is based on tripartite division of governmental function, like the parliamentary system (but unlike the presidential system. It has encapsulated the positions of the executive and legislature in one thus reducing the cost of governance). It should be crafted such that the judiciary will be completely independent from the political arms of the government. If for any reason the post of prime minister or the president becomes vacant, an election must be conducted in the constituency of the occupant within a limited time (usually not more than three months) during which either could hold forth. The succession to that vacant position must take cognizance of the geopolitical zone of the previous occupant to enable the zone complete its term of office. Hence, the issue of "doctrine of necessity" evoked to enable President Goodluck Jonathan assume power after the demise of Umar Yar'Adua would be out of place.

5. Conclusion

This work wants to conclude on the note that Nigeria's presidential democracy needs a thorough review, with the view to reviewing all the avenues that are used as the conduit pipe to siphon public funds at the expense of youth employment, infrastructural development, security of life and property etc.

However, beyond the afore-mentioned, there is need for political re-engineering of our present system of governance (presidential system) to a much cost-saving model of Westminster model. Should this not be feasible, the second option of parliamentarism needs to be given a trial. This, in my considered opinion, is the path to Nigeria's socio-economic and political prosperity and freedom from economic strangulation. This will also go a long way, as envisioned earlier, to compel Nigeria's unity as a nation.

References

- Federal Republic of Nigeria: Report of Constitution Drafting Committee (containing the Draft Constitution) CDC, xiii, Lagos, Federal Ministry of Information, Printing Division.
- Kunle Awotokun (2001). The Presidential Form of Government in Nigeria. The Way Forward, *Indian Socio-Legal Journal, An International Journal on Legal Philosophy, Law and Society*, Vol. xxvii, 12.
- Federal Republic of Nigeria (1999). *The 1999 Constitution of Nigeria*, Federal Ministry of Information, Abuja.
- B. Nwabueze (2005). *The Presidential Constitution of Nigeria*, C. Hurst and Company, London.
- A. Awotokun (2015). Localism, Communitarianism and the Logic of Grassroots Democracy in Nigeria's Political Landscape, Obafemi Awolowo University, Ile-Ife, Nigeria Inaugural Lecture Series 272.
- O. Obasanjo (2014). *My Watch Now and Then*, Prestige Lagos, Vol. 3.
- Kunle Awotokun (2020). Of the Legislature, of the Executive and the Challenge of Governance in Contemporary Nigeria (Forthcoming).
- Kunle Awotokun and Okotoni (2020). Governance and the Executive-Legislative Relations since Nigeria's Fourth Republic (1999 – 2019). (Forthcoming).
- B. Nwabueze (2010). 'Strengthening Democracy in Africa'. *The Nation*, Lagos.
- Kunle Awotokun (2012). Nigeria's Democracy and Crisis of Political Leadership: Legislative Versus Executive in W. Bolelmann eds. *African Leadership, Challenges and other Issues*, Mediateam IT Education Center GMBH Berlin Germany.
- Kunle Awotokun (1998). Governance and Legislative Control in Nigeria: Lessons from the Second and Third Republics, International Scholars Publication: San Francisco.
- Nwanbani O. (2014). The Legislature and Democracy in Nigeria, 1960-2003. History, Constitutional Role and Prospects; *Research on Humanities and Social Sciences*.