SEPARATION OF POWERS: AN IMPERATIVE FOR AUTHENTIC DEMOCRACY IN NIGERIA*

Abstract
Separation of powers is a model of the governor of a state. Under this model, a state government is divided into branches, each with separate and independent powers and areas of responsibility so that the powers of one branch are not in conflict with the powers associated with the other branches. This is the constitutional principle that limits the powers vested on any person or institution. It divides governmental authority into three branches, legislative (Parliament or Senate) executive (President or Prime Minister and the Cabinet) and judiciary (Chief Justice and others). Democracy is a descriptive term that is synonymous with majority rule. It is associated with democratic consolidation and good governance. The model of democracy that is popular in this age of globalization is liberal democracy. However in Nigeria, effort to attain the high level of democratic consolidation and good governance have not been possible. What is staring-us at the face here on Nigeria is where the Executive is going arbitrary without references to the principles of the ‘Rule of Law’ and consequently heading to rule of Terrorism. Separation of powers is therefore imperative for authentic democracy in Nigeria. The research methods to be applied will include; doctrinal, expository, analytical, etc. it is therefore recommended that the legislature should assume their responsibility in over sighting the activities of the Executive even if it means impeachment as recommended by the Constitution which is the grand norm.

Keywords: Separation of Powers, Authentic Democracy, Nigeria, Checks and Balances

1. Introduction
The basic definition of democracy in its purest form comes from the Greek language. The term means ‘rule by the people’ compared to dictatorship, oligarchies, monarchies and aristocracies, in which the people have little or no say in who is elected and how the government is run. However, democracy is often said to be the most challenging form of government because those representing citizens determines the direction of the country. The Greeks and Romans established the precursors to today’s modern democracy. The three main branches of authentic democracy were the Assembly of the Demos, the council of 500 and the people’s court. Assembly and the council were responsible for

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legislation along with ad hoc boards of ‘lawmakers’\textsuperscript{2} Democracy also has roots in Magna Carta, England Great charter of 1215. This was the first document to challenge the authority of the King, subjecting him to the rule of the law and protecting his people from feudal abuse\textsuperscript{3}. Democracy as we know it today was not truly defined until the age of Enlightenment on the 17\textsuperscript{th} and 18\textsuperscript{th} centuries. During this period United States of America had their declaration of independence followed by their constitution which was highly influenced by the England Magna Carta. The term came up to mean a government structured with a separation of powers. It provided basic civil rights, religious freedom and separation of church and state\textsuperscript{4}

The doctrine of Separation of Powers can be traced to John Locks (1632-1704)\textsuperscript{5} and Montesquieu (16-1755)\textsuperscript{6}. Separation of Powers has made an in- road into the constitution of the modern nations in the world including Nigeria\textsuperscript{7}. The doctrine has been justified on the ground that modern government should be a co-operative, coordinated effort and not a thug of war between the principal origin of government. Some separation of executive, legislature and judicial function is necessary and desirable if good government and individual liberty are to be secured, but certainly not a rigid and absolute separation\textsuperscript{8}

Authentic means genuine and of an undisputed origin\textsuperscript{9}. It can also mean accurate in representation of the facts, trustworthy\textsuperscript{10} and reliable\textsuperscript{11}. Having seen the meaning of authentic from different versions of dictionary and each emphasizing and stressing genuineness, trustworthy, reliable etc, how authentic is our democracy in Nigeria? Rather what obtains here is a flagrant disregard of the principles of separation of powers in the coinage of our own practice of democracy. The Executives do what they want, step on anybody toes and gets away with it because he feels is above the law and immune by the constitution. Imperative means of vital importance, essential and giving an authoritative command\textsuperscript{12}. It is distinguished from advisory or discretionary and designates that model of the veto which expresses command, entreaty, or exhortation. It should not be evaded or avoided but rather is

\textsuperscript{2} Ibid
\textsuperscript{3} Ibid
\textsuperscript{4} Ibid.
\textsuperscript{5} Locke, John, second Treatise on civil government
\textsuperscript{6} Montesquieu, L’Esprint des lascraus) Boo xi, chapter Vi (2\textsuperscript{nd} ed) Vol. -1, 219
\textsuperscript{7} N.A. Inegbedion, ‘Scope of Legislative Oversight under the 1999 Constitution’, \textit{NIALS Journal of Constitution Law} (Maiden Edition) p. 44.
obligatory\textsuperscript{13}. It also mean an urgent need\textsuperscript{14} important and needing immediate attention\textsuperscript{15} From the meaning of imperative as seen from different dictionaries there is no genuine and authentic democracy without the complete and full implementation of the doctrine of separation of powers. It can be recalled that the essence of separation of power is eschew tyranny and the rule of terror. Consequently, it can be deduced that ‘No separation of powers, No Democracy’ but is that the experience in Nigeria today, where the Chief Justice of the Federation is removed in office without due process? just for Executive to perpetrates his plans to be re-elected.

2. Separation of Powers

The term separation of powers refers to a political principle that all of the duties of a national government should not be given to only one person or unit of government\textsuperscript{16}. This is the reason for having three branches of the government in Nigeria namely: the executive, judicial; and legislative branches. Charles- Laws de Secondat, Baron de la Brede et de Montesquieu was the first to write about the concept of a separation of power in government during the eighteenth century. The function of the concept of separation is that a country’s constitution or ruling document grants specific powers to different areas of government. These areas are bound by these powers and cannot overstep them. An important feature of the separation of powers is a system of checks and balances. This means that one unit of the government in some way oversees the other and places a limit on its power. Under the separation of power, each branch is independent, has separate function and may not usurp the functions of the other branches. But then the branches are interrelated. They cooperate with one another and also prevent one another from attempting to assume too much power. This relationship is described as one of the checks and balances, where the functions of one branch serve to control and modify the power of another\textsuperscript{17}. Under separation of power, each branch of government has a specific function. The legislative branch, the National Assembly makes the law. The executive branch- the president implements the law. The judicial i.e. the court system interprets the laws and decides legal controversies. In the United States of America for example where separation is practiced, the system of federal taxation provides a good example of each branch at work. Congress passes legislation regarding taxes. The president is responsible for appointing a director of the Internal Revenue Service to carry out the law through the collection of taxes. The courts rule on cases concerning the application of the laws. By the implementation of check and balances, each branch acts as a restraint

\textsuperscript{17}Separationofpowerundertheunitedstatesconstitution.law.umke.edu/faculty/project/ferials/cunlaw/separation ofpowerhtm(Accessed 20\textsuperscript{th} March, 2019. By 4pm
on the powers of the other two. The president can either sign the legislation of the congress, making it law or veto it. The congress, through the senate, has power to advice and consent on presidential appointments and can therefore reject an appointee. The courts given the sole power to interpret the constitution and the laws can uphold or overturn acts of the legislature or rule on actions by the president. Most judges are appointed, and therefore congress and the president can affect the judiciary. Thus in no time does all authority rest with a single branch of government. Rather power is measured, appointed, and restrained among the three government branches. The doctrine of separation of powers is related to the theory of natural law. It has played a progressive historical role in the struggle of the bourgeoisie against absolutism and the arbitrary rule of the King. The doctrine was used in a number of countries to justify a compromise between the bourgeoisie, which had won control over the legislature and judiciary, and the feudal-monarchial circles that had restrained executive power. According to F. Engels, the theory of the separation of power is ‘nothing but the profane industrial division of labour applied for purposes of simplification and control to the mechanism of the state with the establishment of the capitalist system. The principle of the separation of powers was proclaimed one of the fundamental principles of bourgeois constitutionalism. This was first reflected in the constitutional documents of the French Revolution.

However Marxist-Leninist theory rejects the theory of the separation of powers. This is because it ignores the class nature of society which they advocate for. The existence in a socialist state of state bodies with different jurisdiction means that certain division of function in exercising state power is essential while maintaining the unity of state power. Separation of power is the principle or system of vesting in separate branches the executive, legislative, and judicial powers of a government. It is a principle that the individual branches of government (executive, legislative, judicial) have separate and unique powers that others cannot impinge upon. Separation of powers is fundamental principle of the United States Government. Here powers and responsibilities are divided among the legislative branch, executive branch, and judicial branch. The officials of each are selected by different procedure and serve different terms of office, each branch may choose to block action of the other branch, through the system of checks and balances. The framers of the constitution designed this system to ensure that no one branch would accumulate too much power and that issue of public policy and welfare would be given comprehensive consideration before any action was taken. It is argued that only by separating the functions of executive from that of law-making, by insisting that every executive action must in so far as it affects an individual, have the authority of some law, and by prescribing a different procedure for law-making can the arbitrariness of executive action be effectively checked. The idea of procedure has an important controlling role. Where a procedure,

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18 K.Mars and F.Engels, soch; (2nd ed), vol.5 1979) p. 203
separate from that involved in execution is laid down for law-making and it must be compiled with in order for the government to secure the necessary authority for measures it contemplates taking, regularity in the conduct of affairs is ensured. It is usual in most countries to subject proposals for legislation to discussion and deliberation in a legislative assembly. The separation of functions, between execution and legislation requiring separate procedures is thus of utmost importance. Even if government is referred to as a single indivisible structure, the separation in procedure will necessarily operate as a limitation upon the incidence of arbitrariness. The conduct of affairs in accordance with predetermined rules is perhaps the best guarantee of regularity, and restraint has little or no value in constitutionalizing government unless it is regularized. Regularity enables the individual to know in advance how we stand with government, and how for the latter can go in interfering with the course of his live activities. It can be argued that a strict separation of powers holds that the legislative, executive and judicial arms should be separate of each other in respect of both their functions and their personnel. Both senses of governmental separation are however problematic. In a functional sense therefore such a theory presupposes that all governmental actions can be neatly placed in either the legislature, executive or judicial category. And that each branch of government may not exercise power which falls outside those corresponding with its own function. In other words, the pure theory of separation of powers makes no allowance for governmental activities which are not easily categorized, or over which there is debate about which of the three branches is most apt to exercise them institutionally, the ‘pure’ theory demands a complete separation of each of the three branches. No person or group of persons may be a member of more than one branch. For example parliamentary system of the Westminster model in which the executive branch forms a part of the legislature would therefore fall short of this key requirement of the pure theory of separation.

The pure theory version of separation of powers also seems to dismiss the notion that the three branches might actively check the actions of each other. This appears to suggest that the very fact of separation is sufficient to establish and maintain liberty. Therefore any infringe the separation of powers. Consequently, for instance judicial review of primary legislation violates the separation of powers, for the reason that it involves the judiciary disturbing the functional autonomy of the legislative branch. The two constitutional states which are commonly held up as archetypes of separate government in the institutional sense- the United States and France can both be seen to accommodate forms of legislative review perhaps the most important difficulty in the pure form of separation of powers is that it does not appear to have been adopted, completely unmodified by any

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22 Ibid.
24 Ibid.
25 Ibid.
26 Ibid.
working common system. According to Cheryl Sauders ‘Complete separation is impossible’\textsuperscript{27}. But looking beyond the rigidity of the pure theory of separation, it is clear that various systems of
government embrace – to a greater or lesser degree, both the division of governmental power among
three institutionally distinct branches of state and the ability of those branches to exercise a degree of
coercive power over each other. Separation of power is as commonly invoked as a mechanism for
restraining and limiting governmental power as it is relied upon as a mechanism for dividing and
allocating such power. Nevertheless, the observation of Marshall is that this is particularly the case in
Anglo-American conception of the doctrine. It holds that, the branches of government are separated
precisely so that they may exercise such checks\textsuperscript{28}. Using United States for a example.

The legislative power of congress is subject to both presidential veto\textsuperscript{29} and to judicial review by the
Supreme Court\textsuperscript{30}. Secondly, the exercise of the executive power of the president may require
congressional endorsement. Further, judgments of the Supreme Court may be reversed by a process of
constitutional amendment under Article v of the constitution\textsuperscript{31}. Argued from this perspective
therefore, separation of powers emphasizes that the powers of the three branches of government
should be limited and that each branch should be allowed a role in holding the others to account\textsuperscript{32}.
The essence of the act is to avoid the concentration of power in a particular branch. Separation of
powers can better be understood as a mechanism for restraining governmental powers rather than
achieving clear institutional and functional separation. Barendt opines that it is for this reason that
separation of power in some form is arguably the essence of constitutionalism\textsuperscript{33}. The continuing
relevance of separation of powers can perhaps therefore be found in the aspiration which lies behind
the doctrine as a constitutional and/or political theory, rather than a template of institutional design\textsuperscript{34}.
The main reason why John Locke advocated for separation of powers is that according to him that
parliament is not permanently in session. Secondly, legislators might exempt themselves from
obedience to their own law\textsuperscript{35}. Alexander White, a member of the first Congress in United States of

\textsuperscript{27} Ibid.
\textsuperscript{29} Ibid.
\textsuperscript{30} Example the Fourteenth Amendment to the U.S Constitution which Extended Provision for the due
process and Equal Protection of Laws to all Citizens of the United states Over Ruled the Supreme Courts
Infamous Decision in \textit{Dred Scott v. Sandford} 60 US 393 (1857).
\textsuperscript{31} Article I, Section 7, United States of America Constitution
\textsuperscript{32} In the United States, the Supreme Court may review the constitutionality of primary legislation. \textit{Marbruy
v Madison} 5 US 137 (1803).
\textsuperscript{34} R. Masterman, \textit{The Separation of Power in the Contemporary Constitution: Judicial Competence and
\textsuperscript{35} O.N. Ogbu, ‘The Doctrine of Separation of Powers and the Nigerian Nascent Democracy: Theory and
America dismissed as fantasy the call for or separation of powers. According to him we are told that we ought to keep the legislative and the Executive department distinct. If we are forming a constitution, the observation would be worthy of due consideration. We would agree to the principles, but the constitution formed, and the power blended, the wished for separation is therefore impracticable. It should also be remembered that the first congress rejected a constitutional amendment that would have strictly allocated the powers of government among the three branches. No one has successfully defined the boundaries between the legislative, executive, and the judicial branches. In Federalist 37, Madison compared the problem to naturalist who had difficulty drawing an exact line between vegetable life and the animal world. Such difficulties, however, do not deny the existence of vegetable and animals. Nor is the distinction between earth, air and water rendered meaningless by the existence of dust, mud and clouds. Two principles, seemingly irreconcilable, must operate side by side to make the contradictory; they complement and support one another. An institution cannot check unless it has some measure of independence, it cannot retain that independence without the power to check.

3. Separation of Powers in Nigeria
The 1999 constitution of the Federal Republic of Nigeria is anchored on the principle of separation of powers. In Military Governor of Lagos State v Ojukwu, it was held that under the constitution of the Federal Republic of Nigeria, the executive, the legislature and the judiciary are equal parties in the running of a successful government. The powers granted by the constitution to these organs by Section 4 (Legislative powers), Section 5 (Executive powers and Section 6 (Judicial powers) are classified under an omnibus umbrella known as part II to the constitution as powers of the Federal Republic of Nigeria. The organs wield these powers and one must never exist in sabotage of the order or else there will be chaos. Apart from the separation of functions the constitution went further to provide for the separation of personnel Section 66(1) (4) of the 1999 constitution provides that no public servant shall be member of the National Assembly. Section 68(1) (d) is to the effect that a member of the Senate or House of Representatives who becomes President, Vice President, Governor, Minister etc. must resign his membership of any these houses of the legislative arms. By Section

37 Ibid.
38 Ibid.
39 Ibid.
40 1999 Constitution of the Federal Republic of Nigeria (as amended)
42 Section 4, 1999 Constitution of the Federal Republic of Nigeria
43 Section 5, 1999 Constitution of the Federal Republic of Nigeria
44 Section 6, 1999 Constitution of the Federal Republic of Nigeria
45 Op. Cit. (No. 17)
46 Section 68, 1999 Constitution of the Federal Republic of Nigeria
where a member of the National Assembly is appointed a Minister, he or she shall be deemed to have resigned his membership of the National Assembly. Under Section 68 (1) (e) a member of the National Assembly loses his position on the Assembly if he becomes a member of a commission or other body established by the Constitution or other law. The combined effect of sub-section (1) and (3) of Section 67 is that while the President has the right to attend the sessions of the National Assembly he cannot vote. Similar provisions are also made in respect of the State organs of government. In Attorney General Bendel State v. Attorney General Federation the Supreme Court rendered judgment to protect the sanctity of separation of powers and held that the Court cannot go beyond an Act of the National Assembly to determine whether in passing such Act the Constitutional procedure was followed.

The principles of separation of powers and checks and balances facilitate the efficient working of and harmonious interaction between the three arms of government in a Federal or Presidential system like ours. But then, there is a delicate balance to be maintained such that in the process of checking the excesses of a particular arm or branch of government, one branch does not usurp the powers or encroach on the functions of the others. Each arm must maintain its independence and control. However, in Nigeria the said balance has been over stretched in many cases. For instance, the presidency issues executive orders that read more like legislation which is the dominion of the National Assembly under the guise of investigation carried out under Section 88 of the Constitution and issues directives to heads of Ministries, Departments and Agencies of government that are under the arm. There are set down three guiding principles to enhance the effectiveness of separation of powers in Nigeria and they are as follows:

a. that each of the three branches of government must be in the hands of different persons,
b. that no one branch has control of the other, and
c. that no one branch performs the function of another.

Each arm of government is separate and equal and no arm can take over the function constitutionally assigned to the order.

47 Section 147, 1999 Constitution of the Federal Republic of Nigeria
48 Section 67, 1999 Constitution of the Federal Republic of Nigeria
51 Ibid.
52 Section 88 1999 Constitution of Federal Republic of Nigeria
53 Op.Cit (No. 50)
4. Checks and Balances

The 1999 Constitution made some overlapping and intersections in the governmental powers, in order to ensure that one power is a check on the order. Under the said constitution the legislature apart from law making performs other functions which overlap with those of the executive for instance, the executive policies need to be tabled in form of bills for approval by the National Assembly before implementation. Again by section 12(1) of the constitution no treaty between the federation and any other country shall have the force of law except it enacted into law by the National Assembly. Also many executive appointments must be confirmed by the senate before they become effective. This is provided for in Section 147 (2) of the Constitution and Section 154. Also the legislature checks the power of the judiciary. By Section 238(1) of the 1999 Constitution, the appointment of a person to the office of Chief Justice of the federation, justice of the Supreme Court, and president of court of Appeal require the approval of the senate. Similarly, the appointment of a person to the office of Chief Judge of a state requires the approval of the State House of Assembly. The executive exercise checks on the legislature in some ways which includes the following. Section 58(2) of the constitution provides that bills passed by the National Assembly require the assent of the President before they become law. The same principle applies to laws passed by the State House of Assembly. Also the constitution by the power of prerogative of mercy the executive can pardon and commute sentences passed by the judiciary. The appointment of member of the National Judicial council is usually done by the executive. The executive can also remove members of the judiciary on the recommendation of National Judiciary council. The judiciary can also have a check on the legislature and the executive. The interpretation of the constitution and the scope and limits of the power of both the executive and legislature is done by the judiciary. The judiciary can exercise supervisory jurisdiction over the actions of executive department which impinge on people’s rights or obligations. However, it must be emphasized that the checks and balances provisions cannot be an excuse for any branch of the government to usurp the functions of another or to act ultra vires. Thus in Tony Momo v. Senate where the plaintiff was being forced to disclose his source of information for alleging that the senators were lobbying for contract from the executive. It was held that Section 82 and 83 of the 1979 Constitution which conferred investigative powers on the National Assembly are limited to law making power of the National Assembly and not to pry into the private business of an individual.

5. Democracy

A democracy is a political system, or a system of decision making within an institution and have an equal share of power. Modern democracies are characterized by two capabilities that differentiate them fundamentally from earlier forms of government. One is that people have the capacity to

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54 1999 Constitution of the Federal Republic of Nigeria
55 Ibid.
56 Ibid.
57 Tony Momo v Senate of the National Assembly (1982) NCLR 105.
intervene in their own societies. Another is the recognition of their sovereignty by an international legalistic framework of similarly sovereign states. Democratic government is commonly juxtaposed with Oligarchic and Monarchic systems which are ruled by a minority and a sole monarch respectively. Democracy is generally associated with the effort of the ancient Greeks and Romans, who were themselves considered the founders of Western civilization by the 18th century intellectuals who attempted to leverage these early democratic experiments into a new template for post-monarchical political organization. The extent to which these 18th century democratic revivalists succeeded in turning the democratic ideals of the ancient Greeks and Romans into the dominant political institution of the next 300 years is quite conspicuous. However, the critical historical juncture catalyzed by the resurrection of democratic ideals and institutions fundamentally transformed the ensuring centuries and has dominated the international landscape since the dismantling of the final vestige of empire following the end of the second world war.

Modern representative democracies attempts to bridge the gulf between the Hobbesian ‘state of nature’ and the grip of authoritarianism through ‘social contract’ that enshrine the rights of the citizen, curtail the power of the State, and grant agency through the right to vote. While they engage populations with some level of decision making, they are defined by the premise of distrust in the ability of human populations to make a direct judgment about candidates or decisions on issues. There are different types of democracy. Direct democracy exists when citizens get to vote for a policy directly, without any intermediate representatives or houses of parliament. If the government has to pass a certain law or policy, it goes to the people. They vote on the issue and decide the fate of their own countries. Representative democracy or indirect democracy takes place when people choose to vote for who will represent them in a parliament. This is the most common form of democracy found across the world. Under a presidential democracy, the president of a state has a significant amount of power over the government. He/she is either directly or indirectly elected by citizens of the state. The president and the executive branch of the government are not liable to the legislature, but cannot, under normal circumstances, dismiss the legislature entirely. Parliamentary democracy is that which gives more power to the legislature is called a parliamentary democracy. The executive branch derives its democratic legitimacy only from the legislature, i.e. the parliament. The head of state is different from the head of government, and both have varying degrees of power. In authoritarian democracy, only the elites are a part of the parliamentary process. The individuals of the state are allowed to vote for their chosen candidate, but ‘regular people’ cannot enter the elections. The exact opposite of an

authoritarian democracy is the participatory form of democracy. There are different types of participatory democracy, but all of them yearn to create opportunities for all members of a population to make meaningful contributions to the decision-making process. Islamic democracy seeks to apply Islamic law to public policies, while simultaneously maintaining a democratic framework. Islamic democracy has three main characteristics. Firstly, the leaders are elected by the people. Secondly, everyone is subject to the Sharia law – including the leaders. Thirdly, the leaders must commit to practicing ‘shura’, a special form of consultation practiced by Prophet Muhammad. Social Democracy arose as a reaction to neoliberal policies in international economics. Under neoliberalism, profit-making entities like multinational corporations can easily infiltrate other political states. They maintain a level of sovereignty and mobility that no government can counter. The power of the political state seems flimsy in comparison.

6. Authentic Democracy
Authentic democracy requires not only regular ‘one person, one vote’ plebiscites but also both government power and those who wield it. As James Madison wrote in the Federalist No. 51, in instituting a democratic republic that is ‘to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed, and in the next place, oblige it to control itself.’ In an authentic democracy would-be leaders must not seek to gain through bullets what they lose through ballots, and elected leaders must be both inclined and obliged to respect human rights and protect civil liberties. Win or lose, in government or out, all who compete for political power in a democracy must accept as legitimate the idea of one or more opposition parties. The model of democracy that is popular in this age of globalization is liberal democracy. Authentic democracy is a descriptive term that is synonymous with majority rule. It is associated with a democratic consolidation and good governances. However, in Nigeria the effort to attained the high level of democratic consolidation and good governance have been made but yet attained or crown with much success. It can be argued that, democracy is a system of government where the opportunity to participate in an authoritative decision making is open to all who are willing and interested to share.

64 Ibid.
65 Ibid.
67 Ibid.
representation and electoral system based on the principle of one man one vote and one vote one value.\footnote{Ibid.}

7. Conclusion
In the course of this study we have seen and observed the unique and indispensible position of the doctrine of separation of powers in a democratic dispensation. Consequently in recognition of this the 1999 Constitution of the Federal Republic of Nigeria devoted sections 4 for the legislature, 5 for the executive and 6 for the judiciary. They are to act as checks and balances on each other so as to avoid tyranny. Democracy is a system of government by the whole people of a country especially through representatives whom they elect\footnote{Ibid, p 622}. Imperative means very urgent and important and needing immediate attention\footnote{Ibid, p 67}. Authentic is what is true and genuine then considering the above, how is the principle of separation of powers being applied in our country Nigeria to achieve an authentic democracy? And I think the answer is in the negative. Here the executive don’t seem to know and or understand what separation of powers mean or democracy, may be because he was a soldier, but we are in a democratic dispensation and anybody at the hem of affairs must act accordingly. It is time to replace corrupt, doctoral, and authoritarian forms of government with democratic and participatory ones which recognized the need and importance of separation of powers for an authentic democracy.

\footnote{Ibid.}
\footnote{Ibid, p 622}
\footnote{Ibid, p 67}