
CONCEPT OF SEPARATION OF POWERS, ITS NEXUS WITH AND
EFFECTS OF CORRUPTION ON NIGERIA'S BODY
POLITIC

Adisa O. Peniel
Department of Political Science,
Emmanuel Alayande College of Education, Oyo

Abstract

This undertaken provides an insight about Separation of powers its Nexus with and effects of corruption on Nigeria body polity. The centripetal forces to this topic is that despite the fact that Nigeria operating the presidential system of government which gives room for the principle of separation of powers among three arms of government, there are still some causes responsible for the corruption on ground, this study ventures into causes, effects and panacea to the socio, political and economic situation of the country. In doing this the researchers administered questionnaires to collect data from the populace while simple percentages and paired T-test was used to analyze they and interpret the data. The undertaken is very important because; Investigate the seeming ineffectiveness of the theory of separation of power, Examine basis of corruption in Nigeria, Exhibits some effects of corruption on the society; investigate how corruption undermines democracy in Nigeria, Examine the ways to make the theory of separation of power effective in Nigeria society. Finally, the researcher offered some recommendations as panacea such as; Public declaration of assets be made compulsory to anybody who becomes a public office holders before being sworn in and prosecute those found to have enrich themselves at the end of their tenure through public fund, Immunity clause in the constitution that is unduly protecting some corrupt executives should be removed, taking a clue from the United state of America, there is need for the establishment of Judicial Service Commission that will be overseeing to the appointment, promotion, discipline, salary, etc of the judges to make them immune from the influence of the Executives. Anti-corruption agencies must be made independent and financed outside the executive budget. Leaders at all quarters should sacrifice their selfish interest and establish good governance. There is need for promotion of transparency and accountability thereby controlling corruption manifested through ostentations lifestyle, greed, selfishness, etc. at all levels of administration.

Keywords: *Separation of Powers, Democratic System and Development*

Background to the Study

To any functioning democratic system the issue of separation of powers is an indisputable one in order to aloe citizens to feel positive impacts of government through good governance, but the

unfortunate thing that has been serving as the clog in the wheel of democratic governance most especially in Africa and Nigeria in particular is Corruption. Therefore this undertaken will provide an insight into the benefit of separation of powers and the effect of corruption in Nigeria politics. Definitely, it will enlighten many people on the importance of separation of powers in Nigeria. It will also let the people know that political corruption vices like nepotism, favourism, tribalism, fraud, embezzlement, stealing, smuggling and so on affecting the development of good governance of Nigeria.

In Nigeria, however, the forces of poverty, greed, selfish interest, ostentations lifestyle, lack of cooperation and materialism have made the workings of separation of powers of no effect. Instead of bringing about good governance that guarantees the real dividends of democracy which we claim to practice, the relations between and among these of governments has only suggested corruption.

Methodology

This study adopts an *ex-post-facto* research method. Data were obtained from both primary and secondary sources. Research questions were answered using percentages and standard deviation.

Literature Review

Dike (2002) in Agwuama, (2007) referred to it as involving the violation of established rules for personal gain and profit which are essential geared towards accumulating wealth through illegal means.

According to (World Bank, 1997) defined corruption as the public office for private gain. To Olusoga (1981), corruption broadly defined as the gain of money, material/financial resources, constructs, employment, status, fame, power or physiological/psychological satisfaction through illegal and/or immoral practices such as bribery, fraud, abuse of office, robbery etc. Therefore, corruption is a systematic vice in an individual, society or nation which reflects favourism, nepotism, tribalism, sectionalism, undue enrichment amazing wealth, abuse of office power, position etc.

Corruption has also been described as having different shapes, colours, and practiced in every single sphere of life by all cadres of people. (Salako 2008:9) Corruption is a term that is perceived in different ways by various scholars. There have been a number of attempts at defining the concept Akpotor, (1998, in Agwuama, 2007) defined it as the perversion of public office for private advantage. In what seen like a summary of the above definitions of corruption, Samuel Huntington (1968:59, in Agwuama, 2007) opined that corruption is the behavior of public officials which deviated from accepted norms in order to serve private end. Otite (1986), corruption means the perversion of integrity or state of affairs through bribery favour moral depravity.

On the other hand Separation of power can be seen as; the exercise of three distinct functions of government by the three arms without undue meddlesomeness and or unnecessary interferences in the affairs of another in order to ensure the desired checks and balances of government. Montesquieu (1749) postulated that: "Political liberty can only be found when there is no abuse of powers. But constant experience shows every man invested with power is liable to abuse it. To prevent this abuse, it is necessary from the nature of things that one power should be a checked on another. When the legislature and executive powers are united in the same person or bodies there can no liberty if the judicial power is not separated from the legislative and executive".

Benefit and Reasons for the Separation of Powers

Separations of powers guarantees and maintain the rights liberty and freedom of the citizens. Powers are separated among the arms of government in order to avoid chaos, violence,

dictatorship tyranny and oppression in a country. It also maintains law and order which ensures rapid development and economic growth. It also leads to division of labour and specialization in the area of governance. It also used to avoid the chance of corruption among the political office Holders in the art of governance. Out of these several shapes and colours of corruption, the interest of this paper is focused on bribery, fraud and more especially, abuse of office. The examination of these practices as it affects the society negatively is part of the concern of this paper.

Governmental Arms and their Constitutional Functions

Globally, there are three branches of government that is the legislative, the executive and the judiciary. These are the rule-making, rule-application and rule-adjudication/interpretation organs of government respectively (Anifowose, 1999:171). Other functions constitutionally accrued to this arm of government include: electoral, financial, executive, judiciary, investigation, supervision, scrutiny and surveillance, educating and informing the public etc (Anifowose, Ibid 179 182)

The executive is another important arm of government which is saddled with the responsibilities such as enforcement of law, the executive of administrative policies, the conduct of foreign affairs, the control of armed forces etc. (Jacobson, G.A. and Lipman M.H, in Anifowose, 1999:172). The judiciary constitutes the third arm of government which entails laws, judges and courts. The primary duty of the judiciary is the interpretation of law and application of existing laws to individual cases.

Legislative Executive Relations

The economic survival thesis basically argues that in order for people to provide for themselves and families even the basic necessities of life, and perhaps some level of comfortability, they resort to corruption or criminal practices. This perhaps explains why, instead of working independently and harmoniously together towards the attainment of the economic survival of the entire society, the body of persons operating these arm of government engages in activities that ensure their own economic survival even such constitute political corruption.

Starting with the legislature, just a few months into the fourth Republic, senators and House of Representatives members packed ₦3.5m and ₦2.5m respectively, as furniture allowance. This came after the initial contentious, which they got (TELL, April 2000:14). By this time, Nigerians who sent them to Abuja to make laws for good governance of the country were yet to feel there in this connection. These law makers went ahead still to vote a whopping ₦26 billion for themselves in the 2000 fiscal year, which was reduced to ₦22 billion after a tussle with the executives. Some of them proposed a ₦10 2 billion insurance scheme. The same National Assembly planned to buy buses time for billion of naira. The crucial issue here is that these rather grandiose provisions are going to a set of legislators who have been largely viewed as ineffective (TELL, Ibid: 15).

Electoral Process and Corruption among the Arms of Government

However, corrupt activities between the two arms of government concerned was made manifest by the culprits, justice Thomas Naron, Sa'adu Mohammed, Joy Akpughunum, Badamosi, Ekanem, and Kalejaiye the lead counsel to the Osun State government through the constant telephone calls among them. Allegedly, Naron, Ekanem and Kalejaiye even exchange text message during the tribunal's settings. It was therefore, not a surprise that the tribunal took a partial position in the judgement it delivered eventually (The News, 14 July, 200: 20 31: The news, 21 July, 2008: 20 27). For clarity, section 117 (3) sub-section (a) and (b) of the Electoral Decree No 73 of 1997 that delivered the office of the President/Vice president shall be completed not later than one month from the date of elections while petitions from other elections must be dispersed with not later than two (2) months from the date of the elections. Section 118 also says any appeals to the Supreme Court shall be settled not later than 14 days from the date on which the appeal was filled (The Punch, Thursday

20 Nov, 2008:14).

For instance, in 2003, Dr. Chris Ngige took office unlawfully as the governor of Anambra State for more than two years before the court of appeal voided his election. This political anomaly plunged the state into monumental crisis and unnecessary tension. In Edo State, Com. Adams Oshiomole was in (November 2008) sworn in as the winner of the 2007 governorship election in the state after a supposed loser Prof. Soerheimen Osumbor, had illegally spent about 19 months on the seat. In cross River, Adawa, Bayesa and Kogi states where rerun of election ordered by the respective tribunals and the incumbents eventually won, their illegal terms were nullified while being sworn in for fresh term (The punch, Hold). Going by the above-cited instances, it is over submissions that allowing an unelected person to stay in office even for the prevailing arrangement benefits the designers, the implementers and the adjudicators of laws (and policies) this is being allowed to flourish.

Furthermore, despite the fact that the 1999 version of the Nigerian Constitution clearly stated in section 15 (5) that “the states should abolish all corrupt practices and power” (constitution of the FRN 199:15), the operators of this constitution still found ways of perpetuating corruption especially as it concerns electoral processes.

Nexus between Corruption and Poverty

The relationship between corruption and poverty is indirect one. Corruption by itself does not produce poverty. Rather, corruption has direct consequences on economic and governance factors, intermediaries that in turn produce poverty (Chetwyned et al, 2003). Two models emerge from research literature. The economic model postulates that corruption affects poverty by first impacting economic growth factors, which in turn, impact poverty level. In other words, increased corruption reduces economic investment distorts market, hinders competition, creates inefficiencies by increasing the costs of doing business and increases income inequalities. By undermining the economic factors poverty is exacerbated. The governance model asserts that corruption affect poverty by first influencing governance factors, which in turn, impact poverty levels. Therefore, corruption erodes the institutional capacity of government to deliver quality public services, divert public investment away from major public needs, into capital projects (where bribes can be sought).

Corruption Perpetrates and Exacerbates Poverty in a Variety of Ways Including

1. Reducing economic growth and thereby reducing the opportunities for the poor to escape from poverty.
2. Imposing an additional UN official tax, which the poor are least able to pay.
3. Distributing the pattern of public spending NAD investment by encouraging large capital intensive projects to maximize bribe receipts. This reduces the resources available to governments to reduce poverty through education and social programmes.
4. Perpetuating social exclusion and preventing the poor from acquiring the capability to challenge inequalities of power and resources.
5. Diverting resources and benefits towards the rich and away from the poor. That is, majority will be suffering and only few will be enjoying.
6. Undermining social and political stability with consequences that leave poor people more insecure.

Efforts in Combating Corruption in Nigeria's Fourth Republic

- a. The two major anti-corruption agencies in Nigeria's Fourth Republic are the independent

- corrupt practices and other related offences commission (ICPC) and the Economic and Financial Crimes Commission (EFCC). It is to educate and enlighten the public about and against bribery, corruption, money laundering and related offences.
- b. The EFCC under Mallam Nuhu Ribadu has been quite effective in carrying out its statutory roles (Ojewale, 2006). The body has proved to be a veritable tool for promoting good governance. For the records, the body was instrumental to the arrest of former Governor D.S.P Alaniyesiegba of Bayelsa State, who was eventually impeached, tried and convicted on corruption and money laundering charges. This is one prominent case among several similar ones.
 - c. ICPC has fought several war of survival. It has also been able to prosecute a few public officers and has several cases pending in court (Ogbomina, 2004).
 - d. However, these anti-corruption agencies are being faced with some challenges which are highlighted below.

Some Militating Against the Anti-Graft Agencies

- a. The first is insincerity i.e Mrs. Waziri is found fit to announce that the files of indicated governors by Ribadu were missing. It is also on record that during Ribadu's tenure, a list of controversies cropped up from the office of the attorney of the Federation Micheal Aondoakaa mainly when the EFCC arrested any governor (Saturday Tribune, 29 November, 2008: 38, 46).
- b. Secondly, is the issue of high level of lip-service paid to the fight against corruption? e.g is that involving Micheal Aonodakaa, innocent Aondokaa; his brother, Liyel Imoke and the EFCC boss, Waziri issue on 140m bribery scandal incross River State. (Saturday Tribune, 29 November 2008:46).
- c. Waziri has also been linked with the settlement of genuine corruption cases brought against governor Akpabio of Akwa Ibom State; she reportedly masterminded the return of governor Timi presylva of Bayelsa Sate in the re-run election. Even the presidency was said to have "recalled" Waziri from London on a particular occasion to assist sylvia of any financial wrongdoing.
- d. Meanwhile, even though it cannot be correctly said that what Ribadu did in office were right/wrong, it is on record that Ribadu's EFCC got Nigerian's name off the black book of the World's anti-money laundering financial action. Task (FAFF). Also, under him the credibility of Nigerian and Nigerians especially on foreign tours we restored. Besides, some landmark prosecution and recovery of funds and properties were recorded (Saturday Tribune, 29 November, 2008:38).

Data Presentation and Analysis

S/N	QUESTIONS	YES	%	NO	%
1	Has separation of powers reduces corrupt practices in Nigeria?	10	8.70	105	91.30
2	Has corruption renders the aim of establishing separation of powers useless?	100	86.96	15	13.04
3	Do you agree that corruption is an established vice among all Nigerian leaders?	101	87.83	14	12.17
4	Do you belief that corruption is a normal way of life	90	78.26	25	21.74
5	ICPC and EFCC are mere toothless bulldog that cannot curb corruption in Nigeria.	112	97.39	03	2.61
6	Has corruption negatively affect electoral system in Nigeria?	111	96.52	04	3.48
7	Corruption aggravates poverty ratio in Nigeria	113	98.26	02	1.74
8	Corruption renders the expected functions of Judiciary powerless/useless	97	84.35	18	15.65
9	Corruption is a clog to National development in Nigeria	112	97.39	03	2.61
10	Separation of power has been able to promote credible electoral system.	13	11.30	102	88.70
11	Do you agree that corruption is inevitable in Nigeria?	100	86.96	15	13.04
12	Is corruption hindering the performance of Executive arm of government?	99	86.09	16	13.91
13	Anti-graft bodies are also involved in corrupt practices.	98	85.22	17	14.78
14	Has separation of power been able to reduce bad governance in Nigeria?	05	4.35	110	95.65
15	Can Corruption be eradicated in Nigeria?	19	16.52	96	83.48
16	Corruption affects social, political and economic status in Nigeria.	97	84.35	18	15.65
17	Does god-fatherism in politics promotes corruption among the politicians?	113	98.26	02	1.74

Hypothesis 1:

Corruption has not been Contributing immensely to the High level and Increasing rate of Unemployment and Poverty in Nigeria

2	Has corruption renders the aim of establishing separation of powers useless?	100	86.96	15	13.04
6	Has corruption negatively affect electoral system in Nigeria?	111	96.52	04	3.48
7	Corruption aggravates poverty ratio in Nigeria	113	98.26	02	1.74
9	Corruption is a clog to National development in Nigeria	112	97.39	03	2.61
16	Corruption affects social, political and economic status in Nigeria.	97	84.35	18	15.65

Paired Samples Statistics

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 YES	106.6000	5	7.50333	3.35559
NO	8.4000	5	7.50333	3.35559

Paired Samples Test

	Mean	N	Std. Deviation	Std. Error Mean	t	Df	Sig (2-tailed)
YES - NO	98.20000	5	15.00667	6.71118	14.632	4	.000

From the above result, it is not difficult to see that Corruption has been contributing immensely to the

high level and increasing rate of unemployment and poverty in Nigeria.

Hypothesis 2

Separation of Powers in Nigeria does Give Room for Corrupt Practices.

1	Has separation of powers reduces corrupt practices in Nigeria?	10	8.70	105	91.30
3	Do you agree that corruption is an established vice among all Nigerian leaders?	101	87.83	14	12.17
4	Do you belief that corruption is a normal way of life	90	78.26	25	21.74
8	Corruption renders the expected functions of Judiciary powerless/useless	97	84.35	18	15.65
10	Separation of power has been able to promote credible electoral system.	13	11.30	102	88.70
12	Is corruption hindering the performance of Executive arm of government?	99	86.09	16	13.91
14	Has separation of power been able to reduce bad governance in Nigeria?	05	4.35	110	95.65
17	Does god-fatherism in politics promotes corruption among the politicians?	113	98.26	02	1.74

Paired Samples Statistics

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 YES	66.0000	8	47.39801	16.75773
NO	49.0000	8	47.39801	16.75773

	Mean	N	Std. Deviation	Std. Error Mean	t	Df	Sig (2-tailed)
YES – NO	17.00000	8	94.79602	33.51545	.507	4	.628

The result here is confirming the hypothetical statement above that Separation of powers in Nigeria does give room for corrupt practices because t-calculated is lesser than t-table.

Hypothesis 3

Anti-Graft agencies can not reduce/curb corruption in Nigeria.

5	ICPC and EFCC are mere toothless bulldog that can not curb corruption in Nigeria.	112	97.39	03	2.61
11	Do you agree that corruption is inevitable in Nigeria?	100	86.96	15	13.04
13	Anti-graft bodies are also involved in corrupt practices.	98	85.22	17	14.78
15	Can Corruption be eradicated in Nigeria?	19	16.52	96	83.48

Paired Samples Statistics

	Mean	N	Std. Deviation	Std. Error Mean
Pair 1 YES	82.2500	4	42.61748	21.30874
NO	32.7500	4	42.61748	21.30874

	Mean	N	Std. Deviation	Std. Error Mean	t	Df	Sig (2-tailed)
YES – NO	17.00000	8	94.79602	33.51545	.507	4	.628

From the above data presented it is clearly shown that Anti-Graft agencies can not reduce/curb corruption in Nigeria since t-calculated is lesser t-table.

Conclusion

Anti-corruption agencies must be made independent and financed outside the executive budget. Leaders at all quarters should sacrifice their selfish interest and establish good governance. There is need for promotion of transparency and accountability thereby controlling corruption manifested through ostentations lifestyle, greed, selfishness, etc. at all levels of administration.

Recommendations

Contingent upon the above findings from the undertaken, the researcher makes the following recommendations;

1. Public declaration of assets be made compulsory to anybody who becomes a public office holders before being sworn in and prosecute those found to have enrich themselves at the end of their tenure through public fund,
2. Immunity clause in the constitution that is unduly protecting some corrupt executives should be removed, taking a clue from the united state of America.
3. There is need for the establishment of Judicial Service Commission that will be overseeing to the appointment, promotion, discipline, salary, etc of the judges to make them immune from the influence of the Executives.

References

- Abdulsalami, I. (1998:9) "Principle & Practice of Administrative Law in Nigeria"
- Adekanbi (2004), "Why Lawmakers Turned Chambers into Brawling circus" The Guardian (Lagos) June 24.
- Adesina, D (2005): "To fight Corruption". Lagos: The Guardian October 20.
- Adigwe, F. (1982), "Essentials of Government of West Africa" Ibadan : University Press.
- Aiyede (2006): "Institutionalizing Integrity in the Nigeria Public Service" in Aina, A.D. (ed) "IRPAD". Volume 1 no 1. Ilisan-Ramo: Babcock University.
- Anifowose, R. & Enemu, F.C. (1999) "Element of Politics" Lagos: Matt house Press Ltd pp 171 190
- Beetseh. K. (2008) "Electoral Malpractice & Political Violence in Nigeria" A Case Study of Kwande Local Government Area of Benue State.
- Bello, Niyi (2005). "EFCC to seize Governor' 7 Billion Foreign Assets". The Guardian (Lagos): October 13.
- Bisi T. (1982), "Government & Politics in West Africa". Great Britain: Wheaton A & copy Ltd.
- Charles E. H. (1997) "A Test-book of Government for Higher School" Ibadan: Onibonye Press & Book Ltd.
- David E. (1953:26) "Model of System Analysis Highland Hanop Limited". Emmanuel, O. (2005). Introduction to Political Science 2nd Edition Calabar: eats Publisher
- Debo (2004): "The Problem of Corruption in Nigeria". The Guardian (Lagos) November 1
- Diamond, L. (1984): "Nigeria in Search of Democracy". Foreign Affairs Spring Vol. 62 part 2 pp. 905 927.

Kuyomade, B. O. & Eka, B.U. (1980) "Cases & Materials on Administrative Law in Nigeria".

Salako G. (2008). "Corruption & Sustainability Development in Nigeria". In Adekunle M.O et al (2008). Journal of Art & Social Science Update: vol. 11 No. 1 and ii Ibadan: Isegun Publishing Company.

News Paper

Ojewale (2006): "The Guardian (Lagos): November 1

Olajide, B. (2009) "Corruption: An external bogey in Nigeria. The Guardian (Lagos): April 27.

Tell, February 20, 2008, pp 18 19

Tell, April 24, 200 pp. 14 16

Tell, May 22, 2000 pp. 14 20

Tell, September 30, 2002, pp. 22 25

Tell, January 30, 2006 pp. 32 35

Tell November 13, 2006, pp. 44 45

The News, July 14, 2008, pp. 20 37

The News, July 21, 2008, pp. 20 27

The Punch, November 20, 2008 p. 14

Nigeria Compass, December 13, 2008, pp 9 and 11

Nigeria Compass, May 27, 2009, PP 46 and 47.