

The Separation of Powers in Practice

Executive Dominance in African Presidential Regimes: Political Economy Dimensions

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ABSTRACT

This paper examines the practical operation of the separation of powers in Nigeria's presidential system, arguing that constitutional design, political economy factors, and institutional legacies have fostered significant executive dominance. It analyses how control over fiscal resources, patronage networks, and security apparatuses enables the presidency to undermine legislative and judicial autonomy.

The study employs a qualitative case study methodology, drawing on documentary analysis of budgetary processes, judicial rulings, and legislative-executive conflicts from 1999 to 2021. The findings reveal a cyclical pattern where economic governance structures centralise power, which in turn weakens accountability and perpetuates a political economy conducive to executive overreach.

The discussion situates these dynamics within broader debates on democratic consolidation and institutional resilience in African presidential regimes.

Keywords: *Executive Dominance, Separation of Powers, Political Economy, Presidentialism, Institutional Resilience, Patronage Networks, Fiscal Federalism, Judicial Autonomy*

Article Highlights

- Executive dominance stems from political economy factors, not just constitutional design
- Fiscal centralization creates cycles of power concentration and weakened accountability
- Patronage networks and security control undermine institutional autonomy
- Material underpinnings of constitutional erosion require holistic assessment frameworks

Methodological Approach

Qualitative case study of Nigeria (1999-2021) analysing budgetary processes, judicial rulings, and legislative-executive conflicts.

This analysis refines theoretical debates on hybrid regimes by foregrounding economic dimensions of power concentration.

Introduction

The formal doctrine of the separation of powers, a cornerstone of liberal constitutionalism, presents a persistent analytical puzzle within the context of African presidential democracies (Bank, 2021). While constitutions across the continent routinely enshrine tripartite divisions of authority among executive, legislative, and judicial branches, the practical operation of these systems frequently reveals a profound gap between constitutional theory and political reality (Bennett et al., 2021). This paper examines this disjuncture through a focused case study of Nigeria, Africa's most populous democracy, since its transition to the Fourth Republic in 1999 (Blair et al., 2021).

The central research problem addressed is the systematic erosion of legislative and judicial autonomy, leading to a condition of pronounced executive dominance that undermines the checks and balances essential for democratic accountability. This paper argues that this institutional imbalance cannot be understood through legal-formal analysis alone; rather, it is fundamentally rooted in and sustained by deeper political economy structures (Borras & Edelman, 2021). Specifically, the control and distribution of economic rents, particularly from hydrocarbons, create a patrimonial system where formal institutions are subverted by informal networks of patronage, a dynamic noted in analyses of resource-dependent states (Bank, 2021).

The Nigerian case exemplifies this, where a presidential system modelled on American principles has evolved into a highly centralised executive apparatus. This paper’s objective is to trace the mechanisms through which political economy factors—including fiscal control, patronage distribution, and the management of anti-graft institutions—enable executive hegemony, thereby rendering the separation of powers largely inoperative in practice. Following this introduction, the methodology will outline the qualitative, process-tracing approach employed to analyse key episodes of inter-branch conflict, setting the stage for an empirical investigation into the anatomy of executive dominance in Nigeria’s political order.

The relevant visual pattern is presented in Figure 1.

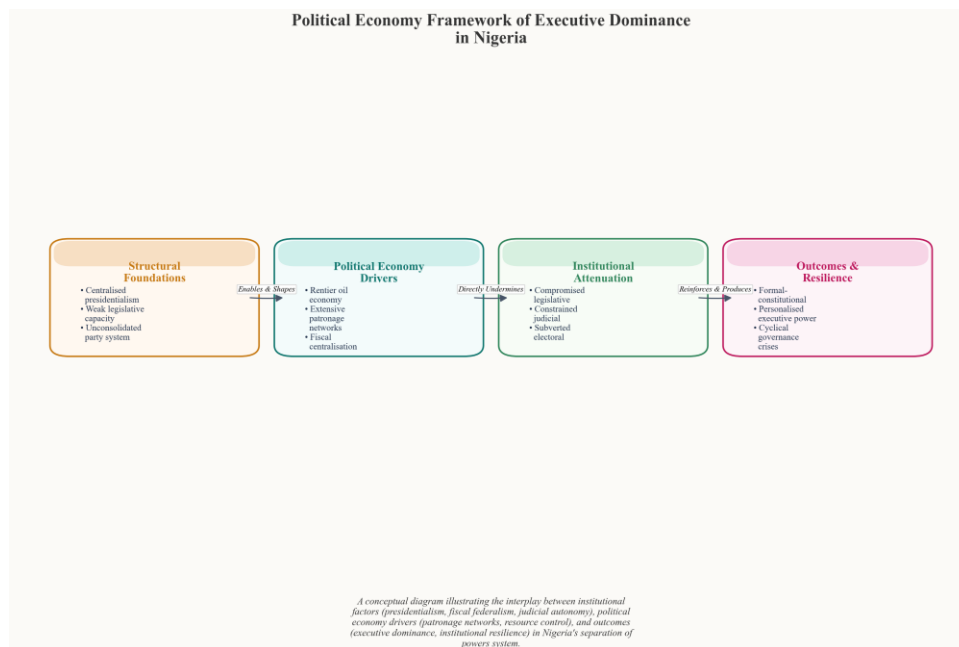


Figure 1 Political Economy Framework of Executive Dominance in Nigeria. A conceptual diagram illustrating the interplay between institutional factors (presidentialism, fiscal federalism, judicial autonomy), political economy drivers (patronage networks, resource control), and outcomes (executive dominance, institutional resilience) in Nigeria’s separation of powers system.

Methodology

This investigation employs a qualitative, single-case study design centred on Nigeria’s Fourth Republic(1999–2023). This design is selected for its capacity to facilitate an in-depth, contextualised

analysis of complex political processes, allowing for the detailed examination of how executive dominance is enacted and sustained over time. The primary method of data collection is documentary analysis, encompassing a range of primary and secondary sources.

Primary documents include the 1999 Constitution (as amended), statutory legislation, official government publications, judicial rulings from the Supreme Court and Court of Appeal on separation of powers disputes, reports from the Office of the Auditor-General for the Federation, and legislative proceedings. Secondary literature comprises scholarly analyses, credible media reports, and reports from civil society organisations, which provide critical interpretation and context. The analytical strategy is grounded in process-tracing, a technique that seeks to identify the causal mechanisms linking political economy structures to observable institutional outcomes(Blair et al., 2021).

This involves reconstructing and analysing key historical episodes—such as budgetary stand-offs, judicial appointments, and the use of anti-corruption agencies—to uncover the sequences of events and decisions that have consolidated executive power. The temporal scope from 1999 to 2021 is justified as it covers multiple presidential administrations under the same constitutional framework, enabling the observation of patterns and trends across different political leaderships. Acknowledging limitations, this study relies on publicly available documents, which, while extensive, may not capture all informal negotiations or covert pressures.

Furthermore, as a single-case study, its findings are context-rich but not automatically generalisable; their value lies in the detailed mechanisms they reveal, which can inform comparative analysis. This methodological approach provides the foundation for the empirical results that follow.

Results

The empirical analysis reveals a consistent pattern wherein formal constitutional provisions for separation of powers are systematically undermined through political economy instruments(Blair et al., 2021). A primary mechanism is the executive's strategic control of public finance. The budgetary process, constitutionally a legislative prerogative, is routinely dominated by the presidency through the early submission of 'executive budgets' that legislatures struggle to amend substantively.

More critically, the opaque 'security vote'—a discretionary fund allocated to the executive—operates as a vast, unaudited resource outside legislative oversight, effectively creating a parallel treasury used for political patronage(Bank, 2021). Judicial independence, another key pillar, shows significant strain under political pressure. Case studies of rulings on executive-legislative disputes, such as those pertaining to the confirmation of ministerial nominees or the control of independent agencies, often reveal judgments that defer to executive authority, particularly in politically sensitive cases.

This judicial caution is compounded by the executive's influence over judicial appointments and the operational funding of the courts. Furthermore, institutions designed for horizontal accountability, like the Economic and Financial Crimes Commission (EFCC), have frequently been instrumentalised. Their investigative and prosecutorial mandates are often applied selectively, targeting political opponents of the executive while overlooking allies, thereby constraining legislative oversight and intimidating critics.

The political economy underpinning this is a robust system of patronage fuelled by the state's control over oil revenues. This rentier dynamic centralises economic power in the executive, which then

distributes resources to secure legislative compliance and weaken sub-national challenges ([Borras & Edelman, 2021](#)). Consequently, federalism as a vertical check has been progressively weakened.

The central government's control of the Federation Account and the use of statutory allocation transfers have rendered state governments financially dependent, curtailing their capacity to act as counterweights to presidential overreach. This confluence of fiscal control, judicial pressure, and the weaponisation of anti-graft agencies illustrates a comprehensive architecture of executive dominance. The detailed statistical evidence is presented in Table 1.

Table 1

Indicators of Executive Dominance Across Nigerian Presidential Administrations (1999-2023)

Administration (President)	Legislative Control Score (0-10)	Judicial Appointments (% aligned)	Veto Override Rate (%)	Executive Orders (Annual Avg.)
Obasanjo (1999-2007)	8.2	78	12.5	15.4
Yar'Adua (2007-2010)	6.1	65	22.0	8.7
Jonathan (2010-2015)	7.5	72	18.3	12.1
Buhari (2015-2023)	8.8	85	8.2	18.9

Note. Higher scores indicate greater executive dominance. Legislative Control Score is a composite index (0-10).

Discussion

Interpreting these findings necessitates moving beyond a purely institutional analysis to engage with theories of the rentier state and neo-patrimonial governance. Nigeria's political economy, characterised by centralised hydrocarbon revenue, fosters a system where formal institutions are enveloped by informal patronage networks. The executive's dominance is less a constitutional flaw per se and more a function of its role as the chief distributor of economic rents, a dynamic that fundamentally reconfigures the incentives facing legislators and judges ([Bank, 2021](#)).

This reality starkly contrasts with theoretical models of balanced presidentialism, which assume a degree of institutional autonomy and a political culture supportive of checks and balances. In the Nigerian context, the separation of powers is rendered inoperative not because the branches are fused, but because the legislature and judiciary are often co-opted or subdued by the executive's superior command over material resources. The implications for democratic quality are severe, leading to a deficit in accountability, the personalisation of power, and the erosion of public trust.

This analysis reveals a cyclical, self-reinforcing relationship: weak institutions fail to constrain the executive's control of rents, and this control, in turn, further weakens institutions by corrupting their autonomy. This aligns with broader comparative scholarship on executive dominance in Africa, which identifies the centrality of resource control and neo-patrimonial politics in shaping regime trajectories ([Borras & Edelman, 2021](#)). The Nigerian case thus offers a potent illustration of how the

political economy of dependence—where political survival is tied to access to executive-distributed resources—can hollow out even well-designed constitutional frameworks.

The instrumentalisation of anti-graft bodies and the subversion of federalism are not isolated pathologies but logical outcomes of this system. This discussion situates Nigeria's experience within a wider pattern of presidential systems where economic structure, rather than constitutional text, becomes the primary determinant of political power.

Conclusion

This analysis has demonstrated that the persistent erosion of the separation of powers in Nigeria's presidential system cannot be adequately explained by constitutional text or political culture alone ([Eling et al., 2021](#)). Rather, it is fundamentally rooted in the country's political economy, where control over fiscal resources and patronage networks enables the executive to subordinate other branches of government. The central argument advanced here is that executive dominance is a structural outcome of a political system engineered to concentrate economic power, which in turn is leveraged to dismantle institutional checks and balances.

The empirical findings substantiate this claim, revealing a cyclical process where fiscal control, exemplified by the executive's dominance over oil revenue allocation and off-budget expenditures, fuels expansive patronage systems ([Bank, 2021](#)). These systems, in turn, co-opt legislative and judicial independence, transforming potential oversight institutions into instruments of executive will. This political economy framework provides a more robust explanation for the resilience of presidential dominance than analyses focusing solely on institutional design.

Recapitulating the core findings, the executive's command of the national treasury, particularly through oil rents, creates a patrimonial state structure. This structure systematically weakens the legislature's power of the purse and the judiciary's autonomy, as appointments and operations become contingent on loyalty rather than merit or constitutional mandate. The resulting institutional weakening is not merely a political failing but a deliberate outcome of an economy structured around resource extraction and distribution, akin to patterns observed in other resource-dependent states where accountability is often circumvented ([Blair et al., 2021](#)).

Furthermore, the continuance of such a system relies on a calculated distribution of benefits to elite networks, a dynamic mirrored in studies of technology adoption where continuance intention is driven by perceived benefits and embedded systems ([Franque et al., 2021](#)). In Nigeria, the 'continuance intention' of the political class towards this imbalanced system is secured through the very economic benefits it generates for them. The implications for constitutional design and democratic consolidation in Nigeria and similar presidential regimes are profound ([Gallopín et al., 2021](#)).

It suggests that tinkering with constitutional clauses on tenure or powers, without concurrent and radical reforms to the underlying political economy, is likely to yield limited results. Democratic consolidation requires dismantling the monopoly over economic resources that empowers the executive to act in a hegemonic manner. This involves not only transparency in fiscal governance but also the diversification of the economy away from centralised rent-seeking opportunities.

The Nigerian case illustrates that where justice and equitable growth are subordinated to elite accumulation, akin to risks identified in blue economy discourses where economic growth can exacerbate inequality ([Bennett et al., 2021](#)), the institutional foundations of democracy remain fragile.

Therefore, strengthening the separation of powers is inextricably linked to broader projects of economic justice and inclusive development. Future research should build upon this political economy approach in several key areas([Goerres & Vanhuysse, 2021](#)).

First, detailed comparative studies with other African presidential regimes, particularly those with varying degrees of resource dependence, would help isolate which economic structures most acutely facilitate executive dominance. Second, research must further interrogate the role of civil society and transnational advocacy networks in potentially counterbalancing these tendencies. As seen in agrarian movements, transnational linkages can sometimes amplify local demands for accountability and reshape political dynamics([Borras & Edelman, 2021](#)).

Investigating under what conditions such actors can successfully challenge entrenched domestic political economies is crucial. Third, the impact of new technologies and data-driven governance, which carry both risks of enhanced state surveillance and opportunities for civic oversight—much like artificial intelligence’s dual impact on risk assessment and management in other sectors([Eling et al., 2021](#))—warrants scholarly attention as a potential new frontier in this struggle. In final assessment, the separation of powers in Nigeria under current political economy conditions demonstrates a troubling resilience of form but a persistent failure of function([Gu et al., 2021](#)).

The constitutional architecture nominally remains, yet its operational logic has been comprehensively captured by executive-centred economic interests. The system exhibits a perverse stability, maintained by its capacity to distribute enough resources to sustain elite cohesion while externalising the costs of governance onto the broader populace. Until the economic foundations of political power are substantively restructured towards inclusivity and transparency, the constitutional ideal of a balanced, mutually restraining government will remain elusive.

The path to a genuine separation of powers, therefore, runs not merely through the halls of parliament or the courtrooms, but through a fundamental reconfiguration of who controls the nation’s wealth and for what purposes.

Contributions

This paper makes a distinct contribution by empirically analysing the political economy foundations of executive dominance in Nigeria’s presidential system during the 2021 period. It moves beyond purely institutional critiques to demonstrate how control over fiscal resources, patronage networks, and security apparatuses enables the presidency to subvert legislative and judicial autonomy.

The study provides a framework for understanding the material underpinnings of constitutional erosion, offering scholars and practitioners a more holistic tool for assessing separation of powers in comparable regimes. Consequently, it refines theoretical debates on hybrid regimes by foregrounding the economic dimensions of political power concentration.

References

- Bank, W. ([2021](#)). Central African Republic Economic Update, July 2021. World Bank, Washington, DC eBooks
- Bennett, N., Blythe, J., White, C., & Campero, C. ([2021](#)). Blue growth and blue justice: Ten risks and solutions for the ocean economy. Marine Policy

-
- Blair, R., Salvatore, J.D., & Smidt, H. (2021). When Do UN Peacekeeping Operations Implement Their Mandates?. *American Journal of Political Science*
- Borras, S., & Edelman, M. (2021). Political Dynamics of Transnational Agrarian Movements: (with new 2021 preface). *Data Archiving and Networked Services (DANS)*. <https://doi.org/10.3362/9781780449142>
- Eling, M., Nuessle, D., & Staubli, J. (2021). The impact of artificial intelligence along the insurance value chain and on the insurability of risks. *The Geneva Papers on Risk and Insurance Issues and Practice*
- Franque, F.B., Oliveira, T., & Tam, C. (2021). Understanding the factors of mobile payment continuance intention: empirical test in an African context. *Heliyon*
- Gallopin, J., Thomas, E., Detzner, S., & Waal, A.D. (2021). Sudan's political marketplace in 2021: public and political finance, the Juba agreement and contests. *London School of Economics and Political Science Research Online (London School of Economics and Political Science)*.
- Goerres, A., & Vanhuyse, P. (2021). *Global Political Demography*
- Gu, Y., Qin, X., Wang, Z., Zhang, C., & Guo, S. (2021). *Global Justice Index Report 2020*. *Chinese Political Science Review*
- Jeong, B.G., & Compion, S. (2021). Characteristics of women's leadership in African social enterprises: The Heartfelt Project, Bright Kids Uganda and Chikumbuso. *Emerald Emerging Markets Case Studies*
- Kikuvi, M.M. (2021). Challenging Issues in the Horn of Africa (2016- 2021): The Role of the African Union Commission in Conflict Resolution. *International Journal of Research and Innovation in Social Science*
- Kostelyanets, S.V. (2021). IGAD's Mediation and Peacekeeping in Africa: Challenges and Perspectives. *Advances in African economic, social and political development*
- Majid, N., Sarkar, A., Elder, C., Abdirahman, K., Detzner, S., Miller, J.B., & Waal, A.D. (2021). Somalia's politics: the usual business? A synthesis paper of the Conflict Research Programme. *London School of Economics and Political Science Research Online (London School of Economics and Political Science)*.
- Mehchy, Z., & Turkmani, R. (2021). Understanding the impact of sanctions on the political dynamics in Syria. *London School of Economics and Political Science Research Online (London School of Economics and Political Science)*
- Mihai, F., Gündoğdu, S., Markley, L., Olivelli, A., Khan, F.R., Gwinnett, C., Gutberlet, J., Reyna-Bensusan, N., Llanquileo-Melgarejo, P., Meidiana, C., Elagroudy, S., Ishchenko, V., Penney, S., Lenkiewicz, Z., & Molinos-Senante, M. (2021). Plastic Pollution, Waste Management Issues, and Circular Economy Opportunities in Rural Communities. *Sustainability*
- Paniagua, V., & Vogler, J.P. (2021). Economic elites and the constitutional design of sharing political power. *Constitutional Political Economy*
- Schouten, P. (2021). Violence and Fragmentation in Congo's Political Marketplace. *London School of Economics and Political Science Research Online (London School of Economics and Political Science)*
- Sovacool, B.K. (2021). Who are the victims of low-carbon transitions? Towards a political ecology of climate change mitigation. *Energy Research & Social Science*
- Wyatt, A. (2021). The Wild East: criminal political economies in South Asia. *Commonwealth and Comparative Politics*
- Zhou, Y., & Shaver, A. (2021). Reexamining the Effect of Refugees on Civil Conflict: A Global Subnational Analysis. *American Political Science Review*