

# CONSTITUTIONAL LIMITS ON THE EXERCISE OF PRESIDENTIAL POWER IN NIGERIA

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## Abstract

This research sought to interrogate the ramifications of presidential power under the Nigerian constitution and to ascertain what limits, if any, are imposed on the exercise of presidential power in Nigeria. To achieve the overarching aim of this research, the doctrinal research methodology was utilised and the method of data collection was through textual analysis of both primary and secondary source materials, including the Constitution of the Federal Republic of Nigeria 1999 (as Amended) [CFRN] and case law. Amongst other key findings, the paper found that despite the enormous powers conferred on the president, the framers of the CFRN in their wisdom of establishing a limited government imposed crucial limits on the exercise of some of the key powers; and the implication of such limitations is that the president must obtain the approval of other governmental branches before exercising those powers. The paper further observed that the institutional checks on presidential power are not effectively applied and recommended that the other governmental branches, especially the National Assembly (NASS) and the courts should live up to their responsibilities in upholding the separation of powers enshrined in the CFRN.

**Keywords:** Presidential, Powers, Executive Power, Limits, Nigeria

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## **1. Introduction**

The implementation of government policies by the executive arm rests squarely on the exercise of executive powers. Of all the powers vested in the three arms of government, executive powers appear to be the most controversial. This is because it has not been easy to delineate the exact nature and boundary of executive powers (Egomonu 2022:5, Obidimma and Oyewumi 2025:86). There have been apprehensions among scholars that the executive powers, even in a more developed presidential systems, are gradually expanding beyond what used to be traditionally conceded to the executive arm (Egomonu, 2022:4, Pushaw 2026:395). For instance, the president of the Federal Republic of Nigeria is one of the most powerful presidents in the world, in terms of the amplitude and plenitude of his powers under the constitution. The president symbolises the unity, strength and prestige of Nigeria. The executive powers of the federation are vested in the president exclusively, subject to his own discretion to delegate any part of it to subordinate officials within the executive branch, as well as necessary limitations imposed by the Constitution of the Federal Republic of Nigeria 1999 (as Amended) [CFRN].

Many scholars and commentators in Nigeria have paid glowing tributes to the immensity of presidential power under the CFRN (Nwabueze, 2003, Egomonu, 2022:5, Obidimma and Oyewumi 2025:86). Miller went as far as claiming that a president can do anything he wishes to do (Miller, 1977:2). Studies have demonstrated that the executive arm under the guise of exercising its executive powers is making gradual but steady incursion into the powers of the legislative arm, and thereby upending the delicate balance required for the proper functioning of the power dynamics established in a constitutional democracy (Amadi: 2019:75). This ascription of near-omnipotence to presidential power appears to be a contradiction of the doctrine of separation of powers which forms the cornerstone of modern constitutions. Separation of powers advocates limited government and this not only precludes one branch of government from performing the constitutional responsibilities of other branches, but also precludes each branch of government from exercising all the powers allocated to the branch without some element of inter-branch collaboration (Ayim-Ben, 2017:78). This paper interrogates the extent and ramifications of presidential power as well as its limits under the CFRN.

## **2. Definition of Presidential Powers**

A president is defined as, “[T]he chief political executive of government; the head of state” (Garner 2019:1304). This definition accords with the status or ranking of the president in any system of government, especially in presidential systems, such as Nigeria’s. Presidential powers are aspects of the executive powers of a country that are vested in the president to be exercised by him exclusively. The President may exercise such power directly or, in his absolute discretion, delegate some aspects of the power to subordinate officials or bodies within the executive branch of government. However, it should be noted that there is a difference between executive powers and presidential powers. Presidential powers may not encompass the entire gamut or aggregate of the powers assigned to the executive branch of a country. Presidential powers are those portions of the executive branch’s powers that are granted to the president exclusively, although he may wish to delegate some aspects of such powers to his subordinates in the executive branch. This means that all the powers of the executive branch do not always belong to, or vest in the president. Some constitutions or laws enacted by the relevant legislature usually take out some portions from the aggregate of a country’s executive powers and vest them in persons, officials or bodies within the executive branch other than the president. Although a derivative of executive power, presidential power is not synonymous with executive power. However, Edet (2024:320) asserts that both terms are synonymous and can be used interchangeably. Edet asserts that presidential power is the ability or capacity of the president to influence decisions that affect the people across all strata of society (Edet, 2024:321)

On the other hand, executive powers have been defined as the aggregate power of government that remains after the legislative and judicial powers are subtracted (Appadorai, 1975; Oshewolo, 2012; Lafenwa and Oluwalogbon, 2021). Executive powers encompass all the powers allocated to the executive branch of government under the power sharing scheme institutionalised by separation of powers. As already noted, more often than not, all of these powers are not granted to the president. Some portions of executive powers are taken away and assigned to other officials or bodies to exercise. The CFRN establishes the office of a president of the federation of Nigeria and vests upon him the executive powers of the federation (CFRN, Sections 130(1) and 5(1)). However, as will be demonstrated in this paper,

the CFRN imposes limits on the executive powers exercisable by the president of Nigeria. Not all the executive powers of the Federation are vested in the president as some aspects of federal executive powers are vested in certain federal bodies established by the same CFRN. The president is described as possessing a triune personality under the CFRN. He is the Head of State, the Chief Executive of the Federation, and the Commander-in-Chief of the Armed Forces of the Federation of Nigeria (CFRN, Section 130(2)). Section 5 of the CFRN establishes the federal executive branch of government and its structure (Edet, 2024:323; Okorie, 2025:140).

### **3. The Scope and Ramifications of Presidential Powers under the CFRN**

The executive powers conceded to the president extends to three aspects: (1) execution and maintenance of the CFRN; (2) execution and maintenance of all laws enacted by the National Assembly (NASS); and (3) execution and maintenance of all matters with respect to which the NASS is empowered to make laws at any given time (CFRN, Section 5(1)(b)). It should be noted that the word ‘extends’ use in Section 5(1)(b) of the CFRN means “to cause to cover a wider area; make larger”, to “straighten or speed out...at full length”, to “occupy a specified area,” and to “be applicable to a thing (online Oxford English Dictionary). This implies that the executive powers of the federation vested in the president stretch to, cover, spread to, or apply to the three areas mentioned in Section 5(1)(b) which are to be examined in this segment.

#### *3.1 Execution and Maintenance of the Constitution*

The first question that would naturally come to mind is: what does it mean to execute and maintain the CFRN? The verb ‘execute’ has been defined to mean to “put (a plan, order, or course of action) into effect.” (online Oxford English Dictionary). It is to carry out or accomplish a task; to make a thing come to fruition. On the other hand, the verb ‘maintain’ implies to “cause or enable (a condition or situation) to continue”, to “keep (something) at the same level or rate”, to “keep (a building, machine, or road) in good condition by checking or repairing it regularly”, to “provide with necessities of life or existence”, and to “give one’s support to; uphold” (online Oxford English Dictionary). The sum total of the attempts at definitions of the verb ‘maintain’ is that it connotes the task of upholding, repairing and keeping a thing in good condition regularly. To maintain involves

ensuring that the quality of a thing is constantly improved, to the intent that the thing maintained does not fall into disrepair or disuse. Thus, applied to presidential power, to execute and maintain the CFRN denotes the presidential responsibility to ensure that all the provisions of the CFRN are carried out, that the objectives of the CFRN are realised, and that the dividends of democratic governance enshrined in the CFRN are delivered to Nigerians. It also entails the presidential power to ensure that the institutions, agencies, persons and authorities saddled with one responsibility or the other under the CFRN carries out their duties, and that disobedience to the CFRN is not entertained, tolerated or condoned.

### *3.2 Execution and Maintenance of Acts of the National Assembly*

The executive branch of government at both the federal and State levels have the primary obligation of executing and maintaining all laws enacted by the relevant legislature. In the case of the president, he is to execute and maintain all the laws enacted by the NASS. The NASS has enacted hundreds of laws which regulate various sectors of the country. Each of these laws is tailored towards the implementation of one policy of government or the other.

### *3.3 Execution and Maintenance of All Matters within the Legislative Competence of the National Assembly*

The president is empowered by the CFRN to execute and maintain not only the laws actually enacted by the NASS, but also to execute and maintain all matters with respect to which the NASS would naturally derive power under the CFRN to enact legislation. This presidential power is not merely repetitive of the immediately preceding executive power, which is exercisable in relation to laws that have been enacted by the NASS. Thus, to exercise the second strata of presidential power, the NASS must first have enacted laws; because what is being executed and maintained are the laws. Thus, the executive power of the president cannot be exercised in the absence of a law passed by the NASS. However, when it comes to the third strata of presidential power, a different consideration applies. The requirement here is that the president can execute and maintain all matters that are within the legislative competence of the NASS, even in the absence of specific laws on the subject. Thus, the president is empowered to implement all matters with respect to which the NASS is constitutionally empowered to make laws.

#### **4. Constitutional Limits on Presidential Power in Nigeria**

It should be noted that the executive powers of the federation vested in the President are made subject not only to the provisions of the CFRN but also to any law made by the NASS. This implies that the President is to exercise his executive powers subject to the limitations imposed by the relevant provisions of the CFRN as well as Acts of the NASS. There are various provisions of the CFRN that impose restrictions on the president's executive powers. The present segment of this paper examines some of these restrictions on the exercise of presidential power in Nigeria.

##### *4.1 Granting of Operational Autonomy to Certain Federal Executive Bodies*

One of the limits imposed on the exercise of presidential power over the executive department is the deliberate concession of operational independence to certain institutions, bodies or agencies within the executive branch in relation to control over the appointment of their personnel as well as in determining their own *modus operandi*. Thus, such bodies are granted the power to regulate their own procedure. For instance, in exercising their powers to make appointments or to exercise disciplinary control over persons, the Code of Conduct Bureau, the National Judicial Council, the Federal Civil Service Commission, the Federal Judicial Service Commission, the Revenue Mobilisation Allocation and Fiscal Commission, the Federal Character Commission and the Independent National Electoral Commission are constitutionally insulated from the direction or control of any other authority or person (CFRN, Section 158(1)). In addition, the National Population Commission is not subject to the direction or control of any authority or person in relation to the performance of its core mandates (CFRN, Section 158(2)).

Similar independence is granted to the State bodies established under Section 197(1) of the CFRN. Thus, the State Civil Service Commission, the State Independent Electoral Commission and the State Judicial Service Commission are, in the exercise of their powers to make appointments or to exercise disciplinary control over persons, completely insulated from the direction or control of any other authority or person (CFRN, Section 202). There are other Acts of the NASS that establish independent agencies for the federal executive branch, such as the Central Bank of Nigeria Act 2007, the Economic and Financial Crimes (Establishment) Act 2004 and the Independent Corrupt Practices and Other Related Offences

Commission (Establishment) Act 2000. The same independence is granted to other bodies established under the Laws of the various State legislatures in Nigeria.

#### *4.2 Dismissal Power over Independent Agencies*

Another restriction imposed on the exercise of presidential power under the CFRN is the fettering of the presidential at-will dismissal power in relation to certain presidential appointees. For instance, the president's unilateral dismissal power is similarly fettered in relation to the judicial officers established in Chapter VII of the CFRN. To remove such judicial officers from office, the president must demonstrate that the reason for their dismissal aligns with the constitutionally stipulated 'for-cause' provisions; also, the president must obtain NASS's approval. Similarly, the CFRN fetters presidential at-will dismissal power in relation to what is usually referred to as the independent agencies. Independent agencies are federal executive bodies established by the CFRN or an Act of the NASS that are granted some degree of independence from the direction or control of the president or any of the officers or authorities of the federal executive department. The CFRN is replete with independent agencies and they include the federal executive bodies established by Section 153(1) of the CFRN and the State executive bodies established under Section 197(1) of the CFRN (already discussed under 4.1 above). Some examples of such federal independent agencies are: the Code of Conduct Bureau, the National Judicial Council, the Federal Civil Service Commission, the Federal Judicial Service Commission, the Revenue Mobilisation Allocation and Fiscal Commission, the Federal Character Commission and the Independent National Electoral Commission.

While the president generally possesses the power to hire and fire executive branch employees, the chairmen and members of these independent agencies cannot be removed from office by the president arbitrarily as the president would do to other officers of the executive branch. Usually, the CFRN or the laws establishing such independent agencies impose what is called a 'for cause' provision as a condition to be fulfilled by the president in order to remove members of such independent agencies from their office. In other words, the president may be able to exercise his dismissal power over a chairman or member of any such independent agencies if and only if the president is able to prove that the affected officer sought to be removed is unable to perform the duties of his office by reason of infirmity of

the mind or body or any other cause, or for misconduct, or for contravention of the Code of Conduct.

The president or other appointing authority is generally without power to dismiss where none of the causes for dismissal could be satisfied. Any presidential exercise of dismissal power over members of independent agencies without satisfying the ‘for cause’ threshold is invalid. The US Supreme Court in *Humphrey’s Executor v Federal Trade Commission* (295 US 602 (1935)) upheld the independence of the Federal Trade Commission (FTC) – an agency of the federal executive branch and stated that the president could not validly remove a commissioner of the FTC without first satisfying the ‘for-cause’ requirements stipulated in the congressional Act establishing the FTC. This reasoning in the *Humphrey’s Executor’s* case was applied in *Morrison v Olson* (487 US 654 (1988)). However, it would seem that the US Supreme Court took a different view in both *Seila Law LLC v Consumer Financial Protection Bureau* (591 U.S. 197 (2020)) and *Collins v Yellen* (594 U.S. 220 (2021)). In both cases – *Seila Law LLC v CFRB* and *Collins v Yellen*, the Supreme Court rejected congressional statutes which purported to fetter the presidential ‘at-will’ dismissal power over high-level federal officers with substantial executive power; and held that the US Constitution vests all the executive powers in the president alone, even though subordinate officers may be appointed to assist the president in the performance of the duties of his office.

Despite what would seem to be a triumph of presidential control over executive branch officials, the present author submits that Supreme Court in both *Seila Law LLC v CFRB* and *Collins v Yellen* recognised two exceptions to the general rule that Congress cannot restrict presidential control over officers or agency heads within the federal executive branch by fettering the president’s at-will dismissal power. The first exception is that Congress may grant ‘for-good cause’ removal protection to a multi-member body of experts who were balanced along partisan lines, appointed to staggered terms and performing only quasi-legislative and quasi-judicial duties, and which does not exercise any real executive power. The second exception is that congress may grant ‘for-cause’ removal protection to an inferior officer of the executive branch, such as the independent counsel, who has limited duties, and no real policy-making or administrative authority. In *Seila Law’s* case, the

congressional statute vested all the executive powers exercisable by the Bureau in a single director who was removable on grounds of inefficiency, neglect or malfeasance only. The Supreme Court took the view that the Director of the CFPB exercised substantial executive powers which were incompatible with the Article II's executive power conferred on the president. The Court further held that the two exceptions did not apply to the case, as to pave the way for the application of the *Humphrey's Executor's* precedent. Similarly, in *Collins v. Yellen*, the Supreme Court took the view that the structure of the Federal Housing Finance Authority (FHFA) violated the Constitution's separation of powers because it was composed of a single director exercising substantial executive powers, but who can only be removed by the president 'for-cause'.

It would seem that the Supreme Court's decisions in the *Humphrey's Executor* and the subsequent cases of *Seila Law LLC v CFRB* and *Collins v Yellen* can be reconciled. In all three cases, the Supreme Court agreed that the president as the head of the federal executive branch possesses undisputed power to exercise control over officials and agencies under the executive branch. This power extends to the presidential power to remove such officials or heads of federal agencies, even for policy or political reasons. However, the Supreme Court established that an official or head of a federal agency that is established to execute tasks that are quasi-legislative or quasi-judicial in nature (as in the *Humphrey's Executor's* case), is not an official of the executive branch and as such cannot be controlled in the manner in which he will do his work. Such official cannot be arbitrarily removed from his post by the president in defiance of the statutory stipulations and procedure for the removal of such officer from office. The reasoning of the Supreme Court in the *Humphrey's Executor's* case is that the FTC was not an agency under the federal executive branch that is subject to the nature of presidential control canvassed by the president, since the duties of the FTC are quasi-legislative and quasi-judicial in character. Thus, the factual situations in *Seila Law LLC v CFRB* and *Collins v Yellen* are different from those that gave rise to the decision in the *Humphrey's Executors*. In both *Seila Law LLC v CFRB* and *Collins v Yellen*, the structural composition of the CFRB (as in *Seila Law LLC*) and the FHFA (as in *Collins v Yellen*) placed the agencies under a single director with extensive executive powers; unlike in the *Humphrey's Executors*, where the FTC had a multi-member composition, drawn along partisan lines and appointed to staggered terms, and with no real executive functions at stake.

It is crucial to state that the US Constitution does not have provisions comparable to Sections 5(1)(a), 153, 157 and 158 of the CFRN. As indicated elsewhere in this paper, Sections 153, 157 and 158 of the CFRN directly establish independent agencies and proceed to fetter the exercise of presidential at-will dismissal power in relation to the chairmen and members of such agencies. The president cannot unilaterally dismiss the chairmen and members of such agencies, without first satisfying the ‘for-cause’ protection provisions of the CFRN or relevant NASS legislation, as well as securing the prior approval of the Senate. In addition, the internal operations of such agencies are substantially, and in some cases, completely insulated from presidential control. Furthermore, Section 5(1)(a) of the CFRN directly subordinates the president’s executive power to the provisions of the CFRN as well as Acts of the NASS. Thus, while independent agencies are direct constitutional stipulations in the case of Nigeria, there are no direct provisions creating independent agencies in the US Constitution. What is obtainable in the US is that independent agencies and counsel are created by Congress in the exercise of its legislative power under Article I of the US Constitution; and this explains the reluctance of the courts to accept congressional legislation that unreasonably restricts presidential control over executive branch officials. The implication of this distinction is that the reasonings of the US Supreme Court in *Seila Law LLC v CFRB* and *Collins v Yellen*, and even in *Humphrey’s Executor*, may not be applicable in Nigeria.

#### *4.3 Requirement of Presidential Consultation with Certain Federal Executive Bodies*

A further limitation imposed on the exercise of presidential power under the CFRN is the requirement that before taking certain sensitive decisions, the president shall act ‘in consultation with’ or ‘on the recommendation of’, or ‘with the approval or sanction of’ another person or authority within the federal executive branch. In such cases, the exercise of presidential power is made subject to the consultation with, or upon the recommendation, approval or sanction of the constitutionally or statutorily designated authority or person. It would seem that where consultation or recommendation is required, the president cannot lawfully exercise that power in the absence of the requisite consultation or recommendation. There are, at least, five instances where the president is required to act on or after

consultation with another authority or person; or to act on the recommendation of another authority. For instance, under Section 175(2) of the CFRN, the president is required to exercise his power of prerogative of mercy after consultation with the Council of State. Under Section 5(5) of the CFRN, the president may deploy members of the armed forces of the federation on limited combat duty abroad, but must take such decision in consultation with the National Defence Council.

Under Section 215(1)(a) of the CFRN, the president is empowered to appoint the Inspector-General of Police, on the advice of the Nigeria Police Council. Under Section 213(2) and (5), the president is required to act on the advice of the Council of State in exercising his power whether to accept or reject a national census report presented by the National Population Commission. Finally, the president must act on the recommendation of the National Judicial Council (NJC) in the appointment of all the heads and Justices, as well as Judges and Kadis of the federal courts (CFRN, Sections 231(1) and (2), 238(1) and (2), 250(1) and (2), 254B(1) and (2), 256(1) and (2), 261(1) and (2) and 266(1) and (2)). In order to remove judicial officers appointed to the federal courts, apart from the heads of those courts, the president must act on the recommendation of the NJC (CFRN, Section 292(1)(b)). The exception to the requirement of relying on the NJC's recommendation in dismissing the judicial officers of federal courts, is in relation to the heads of the courts whose removal does not require the recommendation of the NJC (CFRN, Section 292(1)(a)(i) and (ii)).

#### *4.4 Subjecting the Exercise of Key Presidential Appointment Powers to Legislative Confirmation/Approval*

Another limitation imposed on the exercise of presidential power is the confirmation power vested in the Senate in relation to certain appointments required to be made both under the CFRN and laws enacted by the NASS (Abifarin, 2024:6). Thus, although the power to appoint persons that would assist him in the discharge of his executive functions is vested in the president, the CFRN deliberately makes such appointments to be subject to the approval of the Senate. In such circumstance, it seems the president may not validly make the appointment without the necessary legislative confirmation. Presidential appointments that require senatorial confirmation include: appointment of Ministers of the Government of the Federation; appointment of the chairman and members of the federal executive bodies

established under Section 153(1) of the CFRN (excluding the Council of State, National Defence Council and National Security Council); appointment to the office of Ambassador, High Commissioner or other principal representative of Nigeria abroad; and appointment of the heads of federal courts; and other appointments made pursuant to Acts of the NASS.

#### *4.5 Restriction of Presidential Dismissal Power over Key Executive Branch Officers*

Another restriction on the exercise of presidential power under the CFRN is the subjection of the president's dismissal power in certain cases to the approval of the Senate. In situations where this restriction applies, the president's 'at-will' dismissal power is trammled and cannot be exercised. Even if the president is able to satisfy the grounds for dismissal stipulated in the CFRN or in a legislative enactment for the removal of an appointee from office, the president would still require the support of the Senate before exercising his removal power (Abifarin, 2024:6). This requirement applies mainly in relation to independent agencies within the federal branch. For instance, the president cannot remove the chairmen and members of the federal executive bodies specified under Section 153(1) of the CFRN from office before the expiration of their terms of office, without the support of two-thirds majority vote of the Senate (CFRN, Section 157(1) and (2)). It should be noted that there are fourteen federal executive bodies established by Section 153(1) of the CFRN and the requirement of senatorial approval of dismissal applies to eleven out of the fourteen federal executive bodies. Thus, the requirement does not apply to the chairmen and members of the Council of State, the National Defence Council and the National Security Council. Similarly, the president cannot remove the heads of the of the federal courts from office without the approval of two-thirds majority vote of the Senate (CFRN, Section 292(1)(a)(i) and (ii)). In *FRN v Nganjiwa* ((2022) 17 NWLR (Pt. 1860) 467, 460), the Court of Appeal held that a judicial officer must be subjected to the administrative discipline of the NJC before such judicial officer can validly be prosecuted for any criminal infraction he/she may have been alleged to have committed. On its part, in *Elelu-Habeeb v Attorney-General of Kwara State* ((2012) 13 NWLR (Pt. 1318) 422, 492-493), the Supreme Court held that that a judicial officer cannot validly be removed from office without the recommendation of the NJC.

#### *4.6 Restriction on Appropriation Power*

Another demonstration of the limits imposed by the CFRN on the exercise of presidential power in Nigeria, can be observed in the area of public expenditure. Under the CFRN, the president is granted power to expend public funds but this can be achieved only on the authorisation of the NASS. Thus, all monies generated or received by the Federation of Nigeria are required to be paid into and to form one Consolidated Revenue Fund of the Federation (CRFF) (CFRN, Section 80(1)). The president is empowered to withdraw money from the CRFF or other public fund of the Federation but such withdrawal or expenditure of funds must first be authorised by an appropriation Act of the NASS (CFRN, Section 80(1) and (2)). To effectuate this constitutional approval, the president is to prepare and table before the NASS, on an annual basis, the estimates of the revenues and expenditure of the Federation for the next following year (CFRN, Section 81(1)). These estimates shall be included in the appropriation bill which when passed by the NASS serves as authorisation to the president to spend the approved public funds (CFRN, Section 81(2)). The implication of Section 80(1) and (2) of the CFRN is that the president cannot validly spend public money without legislative approval. This principle was emphasised in *Rivers State House of Assembly v The Government of Rivers State*, where the Supreme Court of Nigeria held that the expenditure of funds from the Consolidated Revenue Fund of Rivers State by the governor of the State without legislative authorisation was unconstitutional and illegal ((2025) 7 NWLR (Pt 1990) 591).

#### **5. Critique of Enforcement of Limitations on Presidential Powers in Nigeria**

It can be seen from the foregoing discussion that the CFRN grants gargantuan powers to the NASS, the independent federal executive agencies and the courts to checkmate the exercise of presidential powers in Nigeria. The essence of removing some of the executive powers outside the control of the president is to prevent absolute powers and dictatorship. However, the pertinent questions are: Are the independent agencies truly exercising their independence in the performance of their responsibilities? Is the NASS playing its supervisory role over the exercise of presidential power in Nigeria? Are the courts effectively performing their responsibilities of holding those who exercise executive power accountable to constitutional dictates in Nigeria? From available evidence, it does not seem that these questions can be answered in the affirmative in Nigeria. It appears the president has, in spite of these constitutional checks on his power, been allowed to grow obese with

powers not granted to him by the CFRN, and there is the urgent need for the president to shed some weight through effective legislative and judicial oversights.

For instance, in the context of independence of the federal executive bodies established under the CFRN, concerns have been raised that the president actually directs and controls the agencies as to the manner of discharging their responsibilities. Thus, these institutions have surrendered their autonomy to the president in exchange for political patronage. The same accusation has been levelled against the NASS which has been accused of being a rubber stamp, lacking clear-cut independence and always pandering to the sentiments of the president (Sam-Duru, 2023; Oyededeji, 2024; Agbede and Agbede, 2023:4; Arise Tv, 2025). Recently, on 18 March 2025, President Bola Ahmed Tinubu proclaimed a state of emergency in Rivers State – one of the 36 States of the Federation of Nigeria – over what was clearly a political dispute between the Governor of the State and the House of Assembly. It was expected that the NASS would puncture the emergency rule by refusing to approve it. However, to the utter consternation of the Nigerian populace, not only did the NASS in utter genuflection to the president endorse the emergency rule, but also violated the constitutional quorum required for the endorsement (Omogbolagun, 2025). The NASS refused to carry out a head-count of legislators present during the proceedings to determine if it met the quorum of two-thirds required by the CFRN but rather opted for the voice vote procedure, in order to conceal its obvious lack of quorum to approve the emergency proclamation (PLAC, 2025; Bello, 2025).

Similarly, the Independent National Electoral Commission (INEC) has been viewed by majority of the populace and international observers as not being independent of the ruling government and ruling political party (Alabi, 2024: 71-72; Kazachiang and Angalapu, 2025). As regards the courts, there have been allegations that the courts are no longer living up to their billing as the hope of the common man and the bastion of the rule of law. A case in point is the suit filed by the opposition Peoples Democratic Party (PDP) challenging the declaration of emergency rule in Rivers State. The PDP Governors' suit which was filed in March 2025 was yet to be heard until the cessation of the emergency rule. It took until January 2026, after the expiration of the emergency rule, for the Supreme Court to reluctantly pronounce on a grave constitutional matter brought before it.

## **6. Conclusion and Recommendation**

This paper has demonstrated that although the president of Nigeria possesses enormous powers, the CFRN imposes some forms of restrictions on the exercise of the powers in many ways. These limits are in line with the desire of the framers of the CFRN to establish a limited government in which one person or authority will not perform all of the functions assigned to it by the CFRN. The purpose of the restrictions is to enshrine some checks on the exercise of presidential power and to prevent presidential descent into dictatorship. From the discussion in the paper, the key limits on presidential power include granting of operational autonomy to certain federal executive bodies, fettering presidential dismissal power over independent agencies, requirement of presidential consultation with certain federal executive bodies prior to taking sensitive decisions, subjecting the exercise of key presidential appointment powers to legislative confirmation/approval, restriction of presidential dismissal power over key executive branch officers, and restriction on presidential appropriation power.

The paper recommends that the institutions charged with the responsibility of checking the exercise of presidential power, notably the federal executive bodies, the NASS and the courts should be active to their responsibilities and should continue to jealously guard the CFRN in ensuring that the president stays within constitutional bounds in the exercise of his powers. It is hoped that if this is done, presidential power will not be abused in Nigeria.

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