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Appointment of ministers and commissioners under the 1999 Nigerian constitution: A need for further amendments

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Abstract
The Nigerian Constitution obligates the President and State Governors to hold regular meetings with Ministers and Commissioners respectively for the purposes of determining the general direction of the domestic and foreign policies of the government; and co-ordinating the activities of the executive members at both state and federal levels in the discharge of their executive responsibilities. Hence the importance of the appointment of Ministers and Commissioners in Nigeria. In recent times the appointment of persons into these two offices has been highly contentious in the country despite the fact some of the previous constitutional amendments have addressed some of these knotty issues.
This paper examines some of the controversial issues relating to the appointment of the Ministers and Commissioners in Nigeria and concludes that while some of the observed lapses can be rectified through attitudinal changes by the generality of Nigerians, others require a further constitutional amendment.

Keywords: Appointment, ministers, commissioners, 1999 Nigerian constitution amendment

Introduction
Appointment of Ministers and Commissioners has assumed great constitutional importance in Nigeria not only because the appointees usually assist the President and governors in exercising some of their very wide and awful executive powers but also because the Nigerian Constitution also obligates the President or Governors to consult with the Executive Council in the discharge of their executive functions. (Sections 148 and 193 of the 1999 CFRN). The Executive Council is also saddled with the responsibility of initiating removal of the chief executives on ground of permanent incapacity- (Sections 144 and 189 of the 1999 CFRN). However, in recent times the appointment of ministers and commissioners has been enmeshed in controversies. The contentious issues include the qualifications of ministers and commissioners, the right time to appoint ministers and commissioners, their confirmation by the legislature, the propriety of appointing Minister of State and the constitutionality of the President appointing himself as a Minister, among others.

Constitutional provisions on appointment of ministers and commissioners in Nigeria
The 1999 Nigerian Constitution vests the power of appointment of ministers and commissioners in the President and State Governors respectively. Section 147(1) of the Constitution provides that "There shall be such offices of Ministers of the Government of the Federation as may be established by the President" By subsection (2) thereof any such appointment is to be made by the President after the nomination has been confirmed by the Senate. Section 147(3) further obligates the President to make his ministerial appointment to be in conformity with section 14(3) of the Constitution provided that the "President shall appoint at least one Minister from each State". By section 147(5), no person shall be appointed a Minister "unless he is qualified to be a member of House of Representatives". The qualifications for election into the House of Representatives are contained in sections 65 and 66 of the 1999 Nigerian Constitution. (See section 192 (1) – (6) in respect of appointment of Commissioners by State Governors).
This means that a ministerial nominee must be a Nigerian citizen of at least twenty-five years. He must be educated to at least School Certificate level or its equivalent; must be a member of a political party and be sponsored by that party. (Section 65, CFRN 1999). It is should be noted that the age qualification in section 65 (1) (b) of the constitution was reduced from the original thirty to twenty five years by the Constitution of the Federal Republic of Nigeria, 1999 Fourth Alteration (No 27) (Act 2017).
On the other hand by section 66 of the 1999 Nigerian Constitution, no person is eligible to be nominated as a Minister, if he has voluntarily acquired the citizenship of another country and has made a declaration of allegiance to that country; if he is adjudged to be a lunatic or otherwise declared to be of unsound mind; if he is under a sentence of death imposed on him by a competent court or a sentence of imprisonment or fine for an offence involving dishonesty or fraud; if within a period of less than ten years before his nomination, he has been convicted and sentenced for an offence involving dishonesty or has been found guilty of a breach of the code of conduct. A person will also not be eligible to be nominated as a Minister if he is an undischarged bankrupt under any law in force in Nigeria; if he is a public officer and has not resigned from such appointment thirty days before his nomination; or he is a member of a secret society. However, by section 66(2) of the constitution, where in respect of any person who has been adjudged to be a lunatic; or declared to be of unsound mind; or sentenced to death or imprisonment; or adjudged or declared bankrupt, any appeal against the decision is pending in any court of law section 66(1) "shall not apply" during the period till the appeal is finally determined, or it lapses or is abandoned. The manifest spirit of these provisions is that to constitute a person's disqualification, the allegations constituting the ground must be proved finally and conclusively.

According to Akande (1982), the constitutional stipulation that requires a ministerial nominee to be qualified for election as a member of House of Representatives is probably a left over from our British heritage where ministers are elected members of Parliament. She contends that under a presidential system, a minister cannot be a member of the legislative house, "although he must have all the qualifications and none of the disqualifications of the House of Representatives". Akande also takes a swipe at the provision of section 66 (1) (f) of the 1999 Nigerian Constitution which disqualifies a person from being a ministerial nominee

> If he is a person employed in the public service of the Federation or of any State and has not resigned withdrawn or retired from such employment thirty days before the date of election.

Akande queries the rationale behind this provision and asks whether it is realistic that a person who may not know that he will be nominated should have resigned from his employment months before election for which he is not a candidate, "in the uneventual likelihood that he might be appointed a minister". She argues that such a procession would be more practicable under the Westminster mode where cabinet ministers are automatically chosen from the majority party in the House of Commons, and only from "persons who have contested elections". It is hereby submitted that the Nigerian Constitution be amended to expunge this provision from the nominees for the post of ministers and commissioners so that credible technocrats from the public service can be appointed as ministers and commissioners, and return to their work after their tenure. Even though in practice such technocrats are usually confirmed by the legislature without any problem, there have been instances where the legislature has refused to confirm such appointments as witnessed in the case of *Governor of Kaduna State v. The House of Assembly* (1981) 2 NCLR 722 at 725). Even if such nominations are confirmed by the legislature the legality of actions of such appointees on assumption of office is susceptible to curial challenge.

Is the possession of a National Youth Service Corps (NYSC) discharge/exemption certificate one of the qualifications for the appointment as a minister or commissioner? This question is very important because the issue of the possession or non-possession of the NYSC discharge or exemption certificate has been brought to the front burner in the appointment of Ministers in Nigeria in recent times. For example, Mrs. Kemi Adeosun, the Minister for Finance during President Muhammadu Buhari's regime was forced to resign her appointment in 2018 having been discovered to have presented a fake NYSC discharge certificate for her ministerial screening. Mrs. Adeosun had graduated in 1989 at the age of 22 from the Polytechnic of East London (which became University of East London in 1992). When she eventually got to Nigeria in 2002, she did not participate in the NYSC scheme, but was still employed by a private company, Chapel Hill Denham. According to Ndagi (2023) [9], realizing that she might still need the NYSC certificate one day, Mr. Adeosun procured a fake exemption certificate because she possibly did not know that NYSC does not issue exemption certificate to those who graduate before 30 years of age.

About a week after Mrs. Kemi Adeosun's resignation the then Minister of Communications, Adebayo Shittu was also accused of not serving in the NYSC scheme after his graduation at the age of 25 from the University of Ife (now Obafemi Awolowo University, OAU) in 1978. Mr. Shittu was called into the Nigerian Bar in 1979, and was elected in the same year into the Oyo State House of Assembly. Adebayo Shittu claimed that the constitution did not state that the possession of NYSC certificate is one of the qualifications to be eligible to be a state House of Assembly member. He also claimed that his service at the Oyo State House of Assembly was sufficient as a national service without any further need to participate in the NYSC scheme. His non-possession of the NYSC discharge certificate probably led to his non-reappointment as a Minister in the President Buhari's cabinet despite being very close to the President.

Similarly, in August 2023 the news filtered out that one of the Ministers appointed by President Bola Ahmed Tinubu, Mrs. Hannatu Musawa, Minister for Arts and Culture was still a serving corps member in breach of the NYSC Act. The Director Press and Public Relations of the NYSC, Eddy Megwa, confirmed that the Minister as eight-month old in the one year mandatory voluntary service scheme, and serving at the Federal Capital Territory (FCT) Abuja at the time of her appointment. Mr. Eddy Megwa added that Mrs. Musawa was originally mobilized in 2001 for the youth service to Ebonyi State in 2001 where she had her orientation programme but later relocated to Kaduna State to continue the service. It was when she got to Kaduna State that she absconded without completing the service.

According to Ndagi (2023) [9], Mrs. Musawa was rejected in 2020 by the Senate Committee that screened nominees for appointment as commissioners into PENCOM for her failure to present her NYSC discharge certificate. "Although the 10th Senate asked Mrs. Musawa to take a bow during the last screening exercise", Ndagi continues, "it is dishonourable that she presented herself for a second time without NYSC discharge certificate". What is the legal position on this matter?

By section 2 of the NYSC Act 1993, every Nigeria Higher National Diploma or University graduate is obliged, unless exempted under subsection (2) thereof or section 17, to make himself available for service "for a continuous period of one year from the date specified in the call-up instrument served on him". Therefore, it is both legally and morally wrong for a person still undergoing the one year mandatory NYSC service to present himself for ministerial screening. What about those who did not serve at all? Different considerations seem to apply.

Section 12 of the NYSC Act obligates every prospective employer to demand and obtain from every university graduate a copy of the NYSC discharge or exemption certificate. The Act does not make such demand in respect of political appointments of which the positions of ministers and commissioners are a part. Furthermore, possession of NYSC discharge or exemption certificate is not listed as one of the qualifications for the appointment as a minister under section 147 of the 1999 Constitution, nor for the appointment as commissioners in States Houses of Assembly "under section 192. Nor is it constitutionally required for any political appointment in Nigeria. Therefore, even though possession of NYSC discharge or exemption

certificate is morally desirable for a ministerial or political appointment, there is no legal obligation to do so.

Number of Ministers and commissioners Appointable

The Nigerian Constitution does not stipulate the number of ministers or commissioners that may be appointed by the President or Governor respectively but leaves it at the discretion of these chief executives. Sections 147(3) and 192(2) obligate the President and Governors to ensure that the appointment into the offices. of ministers and commissioners are in conformity with sections 14(3) and 14 (4) respectively. The President is also obliged to appoint at least a minister from each state. The constitutional requirement of compliance with section 14 of the constitution in the appointment of ministers and commissioners is in line with the federal character principle otherwise called the quota system being used in Nigeria.

According to Nwabueze, (1993) [10] the federal character principle is not a rigid formula, but a broad guide for action. It therefore needs to be applied "not with the mathematical exactitude of fixed quota reservations, but only with a due sense of equitable balance. This, according to Nwabueze, "requires that public appointments, in particular appointments in the strategic departments and functions of government, should be equitably distributed among the component groups". Nwabueze, however, cautions that it is not enough that each group is represented in the organs and departments of government if the government "is permanently dominated by one group or a combination of the same groups". He, therefore, contends that the prevention of domination is the central objective of the federal character principle in the Nigerian Constitution. And in the view of Daniel Bach (1996) [5] one of the pitfalls of the federal character principle is that it attacks standards and professionalism because of its unrestrained application in the civil and public service. Speaking in a similar vein, Akande (1982) believes that the federal character principle has the tendency to replace national loyalty with tribal loyalty.

To Professor Bolaji Akinyemi, the net result of the application of federal character principle in the appointment of ministers is that most ministers and executive appointments are made to satisfy the federal character principle and political patronage. This, he contends, has led to spending the greater percentage of national income on administering the state with very little left for investment.

Of equal importance is the time the chief executives can appoint ministers and commissioners. This used to be a very serious issue before the amendment of section 147 of the 1999 Nigerian Constitution by the Constitution of the Federal Republic of Nigeria, 1999 (Fifth Alteration) (No 23) Act, 2023.

One of the new amendments by the Fifth Alteration is the insertion of a time frame within which the chief executives can appoint their ministers and commissioners, which is sixty days after taking oath of office. The newly inserted section 147(7) provides:

Notwithstanding the provision of subjection (2) of this section, the nomination of any person to the office of a Minister for confirmation by the Sensate shall be done within sixty days after the date the President has taken the oath of office.

Provided that the President may appoint a Minister at any other time during his tenure and such appointment shall be subject to confirmation by the senate.

A similar provision in respect of the appointment of commissioners by the State Governors is also contained in section 192(6) of the 1999 Constitution by virtue of Constitution of the Federal Republic of Nigeria 1999 (Fifth Alteration) (No 23) Act, 2023.

This constitutional amendment is meant to put an end to the undue delay and laxity in the appointment of ministers and commissioners by the chief executives. For example Governor Rauf Aregbesola of Osun State did not appoint commissioners to run his cabinet during his first term in office in 2011 until more than seven months after his inauguration (Odesola, 2011) [11]. Similarly, President Muhammadu Buhari did not also appoint his ministers during his first term in office in 2015 until after more than six months after being sworn in. Does this constitutional amendment admit of piece meal submission of the names of ministers and commissioners to the legislature?

This question is very important because of the tendency of some chief executives to have recourse to this tactic. For example, President Bola Ahmed Tinubu was sworn in on 29 May 2023. He submitted his first list of 28 ministerial nominees to the senate on 27 July 2023, about 58 days after his inauguration. He submitted a second list of ministerial nominees on 2 August 2023, about 63 days after his inauguration; while the last list was submitted on 2 October 2023, about 84 days after his inauguration. This piecemeal submission of ministerial nominees beyond the constitutionally stipulated period is not in the spirit of the time frame prescribed by the constitutional amendment.

Furthermore, section 148 of the 1999 Nigerian Constitution also obliges the President to hold regular meetings with the Vice-President and all Ministers for the purpose of determining the general direction of domestic and foreign policies of the government; co-ordinating the activities of tall the cabinet members in the discharge of their executive responsibilities; and advising the President generally in the discharge of his executive functions. (Similar provisions are contained in section 193 of the Constitution in respect of executive responsibilities of the Governors and their cabinet members).

Commenting on the above constitutional provision, Akande (2000) [1] is of the view that although the President is obliged to hold regular meetings with all his cabinet members, there is no specific limit and that it is usual to have weekly meetings. In his own view, Nawbueze (1993) [10] states that the word "regular" connotes "constancy in time and not when it suits the whims of the President or Governor". Nwabueze explains that the rationale for this provision is to bring the collective views of the President (or Governor) and the Vice-President or Deputy Governor and Ministers or Commissioners to bear on such matters but without depriving the President or Governor of his authority to override the views of the Council. Having submitted a question on these matters to the council, Nwabueze is rightly of the view that the President or Governor is within his constitutional right to accept or refuse the views of the rest of the council. Nwabueze however, argues that since the constitutional provision obliges the President or Governor to seek the advice of the Executive Council in the discharge of his executive functions generally, the implication of this is

that without an Executive Council, the political administration by the President or Governor alone "is to a large extent unconstitutional". This view was confirmed by the decision of the court of Appeal in the case of *Lawal Kagoma v The Government of Kaduna State and 2 others* (1981) 2NCLR 529-567.

Legislative Confirmation of Ministerial Appointment

Section 147 92) of the 1999 Nigerian Constitution is to the effect that "any appointment to the office of Minister of the Government of the Federation shall, it the nomination of any person to such office is confirmed by the Senate be made by the President". This subsection also contains a *proviso* that no ministerial nominee shall be confirmed by the Senate unless evidence of declaration of assets and liabilities of the nominee is presented. A similar provision is also contained in section 192(2) of the constitution. To facilitate prompt confirmation of ministerial nominees section 147 (6) of the Constitution provides that an appointment to any such office shall be deemed to have been made where no return has been made within twenty one working days of the receipt of the nomination by the Senate. Section 192(5) of the Constitution has similar provision in respect of appointment of Commissioners by Houses of Assembly. Can the legislature be compelled to confirm the appointment of ministerial nominees? This was one of the issues for determination in the case of *Governor of Kaduna State v The House of Assembly* (1951) 2NCLR 722-733).

In that case, the Plaintiff, Governor of Kaduna State brought a mandamus application in the High Court to compel the State House of Assembly to confirm the list of candidates he nominated for the office of Commissioners in the State under section 173 of the 1979 Nigerian Constitution, which is very similar to section 192 of the 1999 Constitution. It was held, among other things, that the power to confirm as used in the subsection must necessarily imply power to reject; and that the section gives discretionary and unhibited power to confirm or refuse to confirm the Governor's nominations even without giving any reason.

Declaration of assets by Ministerial Nominees

Section 149 of the 1999 Nigerian Constitution provides that:

> A Minister of the Government of the Federation shall not enter upon the duties of his office, unless he has declared his assets and liabilities as prescribed in the Constitution and has subsequently taken and subscribed to the oath of Allegiance and the oath for the due execution of the duties of his office prescribed in the Seventh Schedule to this Constitution.

Section 194 of the Constitution also contains a similar provision in respect of Commissioners appointed by the State Governors.

The constitutional provisions on asset declaration by the prospective Ministers and Commissioners have been further strengthened by the Fifth Alteration to the 1999 Nigerian Constitution by the provision of a *proviso* to both sections 147(2) and 192(2) of the Constitution which now mandate prospective Ministers and Commissioners to provide proof of asset declaration before legislative confirmation. (The constitution of the Federal Republic of Nigeria, 1999 (Fifth 23 Alteration) (No 23) Act 2023. This additional provision is meant to further prevent corruption and promote transparency among Ministers and Commissioners.

Is the appointment of minister of state constitutional?

Section 147 of the 1999 Nigerian Constitution makes elaborate provisions for the appointment to "such offices of Ministers of the Government of the Federation as may be established by the President". These provisions include their qualifications, confirmation by the Senate and the period within which they must be appointed. In none of these provisions does the expression "Minister-of-State" feature. Yet, successive Nigerian Presidents have made it a habit to appoint Ministers of State. While many people see nothing wrong in such appointments, others believe that such appointment is unconstitutional. One of such people is Festus Keyamo, Minister of State for Labour and Employment during President Buhari's tenure. According to Keyamo (2023) Minister of State is a euphemism or the equivalent of junior secretary in some Western countries; they are deployed to some key ministries with second fiddle capacity, with no clear cut responsibility.

To Keyamo, the grounds for the unconstitutionality of appointment of Minister of State are legion. In the first place, Keyamo contends that section 147 of the 1999 Nigerian Constitution creates offices of Ministers; and not those of Ministers of State. Furthermore the oath of office in the Seventh Schedule is only for Ministers, and not Ministers of State. Similarly, the Ministers designate were screened as Ministers only to be reclassified as Ministers of State during the assignment of portfolios. According to Keyamo, the President lacks the discretionary powers to make such reclassification. Besides that, by section 147 (3) of the 1999 Nigerian constitution the Ministers set in cabinet as the eye of the President in each State of the Federation. "It is therefore against the intendment of the constitution for a representative of a state to be reclassified as against another representative of another State"; Keyamo asserts. Finally, Keyamo believes that the appointment of a Minister of State can negatively affect optimum performance of Ministers since the actions of the Minister of state will always be hinged on those of the substantive or superior Minister. Keyamo however, recommends that it would be better to create more ministries or split the ministries involved into two and appoint two substantive Ministers instead of subordinating one Minister to the other.

Stanley Alieke (2023) [4] however, views the matter differently. According to him there is nothing unconstitutional in the appointment of Minister of State. He argues that a combined reading of sections 147 and 148 of the 1999 Nigerian Constitution shows that the President can assign any portfolio to any Minister. Alieke further contends that Nigeria shares many similarities with the United States of America; that in the USA their Ministers are referred to as 'Secretaries' while Ministers of State are called '"Undersecretaries", and that there is nothing unconstitutional about that.

Although the arguments of both parties are sound and very logical, Keyamo's argument seems to be more plausible. Therefore, it is submitted that the 1999 Nigerian Constitution should either be amended to include 'Minister of State in its definition of the word 'Minister' or in the alternative the President should either create more ministries or divide the existing ones into two and appoint a substantive Minister for each to enhance maximum ministerial performance.

Can the president appoint himself as a minister?

Another highly contentious issue partly engendered by the appointment of Minister of State, is the practice of the President appointing himself as a substantive Minister while appointing someone else as a Minister of State. This practice is fast becoming a rule rather than an exception. President Olusegun Obasanjo appointed himself as a Minister for Petroleum 1999 to 2005. In 2003, he appointed Edmund Dakoru as Special Assistant on Petroleum and Energy. Following agitations and lawsuits from Niger Delta organizations in 2005, President Obasanjo appointed Edmund Dakoru as Minister for State for Petroleum, which post is not recognized by the Petroleum Industry Act.

President Muhammadu Buhari also appointed himself as Minister of Petroleum. From 2015 to 2023. However, unlike President Obasanjo, President Buhari appointed Ibe Kachukwu as Minister of State for Petroleum in his first term, and Timipre Sylva for the same position in his second term. In August 2023, following the examples of Presidents Obasanjo and Buhari, President Bola Ahmed Tinubu also appointed Ekperipe Ekpo as Minister of State for Gas Resources and Heineken Lokpobiri as Minister of State, Petroleum Resources while retaining for himself the post of the substantive Minister for petroleum. The idea of the sitting Presidents appointing themselves as Ministers is beset with some socio-legal problems.

By section 138 of the 1999 Nigerian Constitution, "The President shall not during his tenure of office hold any other executive office or paid employment in any capacity whatsoever". Since the post of a Minister and the office of a President are both executive positions, it seems the President cannot legally hold both executive positions at the same time. Furthermore, by section 147 (2) of the 1999 Nigerian Constitution any valid appointment to the office of a Minister is subject to confirmation by the Senate. Since the President has neither been screened nor confirmed by the Senate as constitutionally required, he cannot legally assume the office of a Minister under the Nigerian Constitution.

In addition to the above reasons, if the President assumes the office of a Minister, there may be lack of transparency, and accountability as the National Assembly or a regular court will not be able to invite him to give an account of his stewardship in relation to his Ministry by virtue of the immunity clause contained in section 308 of the 1999 Nigerian Constitution. Even if the President wants to rely on the Minister of State to aid him in the performance of his duties, there is still a limitation to the authority the Minister of state can assert because many enabling statutes expressly recognize the authority of the substantive Minister and not that of Minister of State.

Speaking specifically against President Bola Ahmed Tinubu appointing himself as a substantive Minister of Petroleum, Eze Onyekpere (2023) [12] cautions thus:

> The Ministry of Petroleum and its activities are just one out of so many sectors that the President needs to superintend. It is simply a presentation of the President, a human and a mortal in superhuman garbs to tie him down to the running and supervision of just one very important Ministry. The Nigerian President is not possessed of these superhuman powers; he neither has the time nor energy to be an effective and efficient Minister of any sector.

Onyekpere does not stop there. He states some other problems inherent in such a move. According to him the second challenge is that the sector will suffer from opaque decisions and mismanagement and little or no accountability since it will to be easy to summon the President as his media aids would see any attempt to call him to order as an attempt to run down his government. He buttresses his argument by stating that during President Buhari's tenure as the substantive Minister for Petroleum, when Ibe Kachikwu, the Minister of State for Petroleum wanted to instill some sanity into the them Nigerian National Petroleum Corporation (NNPC) the leadership of the NNPC threw the name of the substantive minister (President Buhari) into the matter and Ibe Kachikwu lost out.

Another problem envisaged by Onyekpere is loss of revenue that could be caused by inefficient management. Using the tenure of President Buhari as an illustration, Onyekpere states when President Buhari was the substantive Petroleum Minister, Nigeria's crude oil production reduced from 2.1 million barrels per day inherited from President Goodluck Jonathan to less than one million barrels per day. He also adds that President Buhari presided over the "largest crude oil theft in human history as well as largest theft of state resources in the name of motor spirit subsidy". According to him fuel subsidy moved from 35 million litres per day to 65 million litres at a time when the country had gone into two recessions with massive unemployment and galloping inflation. He therefore, rightly cautions against the repeat of these mistakes by President Tinubu through the assumption of the office of the substantive Minister of Petroleum. I am in total agreement with these concerns.

Conclusion

Appointment of ministers and commissioners is of great importance in Nigeria because they are constitutionally required to assist the President and Governors in the discharge of their executive responsibilities and to advise them generally in the discharge of same. Contentions issues in relation to the appointment of ministers and commissioners include the qualifications for such appointments, legislative screening for the appointment, the propriety or otherwise of the appointment of Minister of State and the President appointing himself as a Minister, among others.

This paper found out that although morally desirable the possession of NYSC discharge or an exemption certificate in not one of the qualifications for appointment as a minister or commissioner even though it is mandatory for employment in both the public and private sectors. Similarly, a serving National Youth Service Corp member is not eligible for any ministerial appointment. The appointment of Minister of State also needs further constitutional clarification. On the other hand, the self-appointment of successive Nigerian Presidents as Minister of Petroleum is a blatant and violation of the Constitution.

While some of the observed controversies and lapses in the appointment of Ministers can be eliminated through attitudinal charges by the generality of Nigerians others require constitutional amendments. Several constitutional amendments have been made in Nigeria in respect of appointments into the offices of ministers and commissioners. One of them is the reduction of the age qualification of a prospective appointee from 30 to 25 years in other to encourage the appointment of young and

energetic people. Another is the evidence of asset declaration before legislative confirmation. This is to prevent corruption and promote transparency. The last important amendment in relation to these two appointments is the stipulation of a 60-day time frame within which the chief executives should appoint ministers and commissioners after inauguration.

While the first two constitutional amendments seem to be having the desired effect the third on time stipulation is being circumvented by the chief executives through the piecemeal submission of names of ministerial nominees for legislative consideration beyond the constitutionally stipulated 60 days after inauguration. Hence a further constitutional amendment is required to put an end to this practice. The appointment of Minister of State also needs further constitutional clarification either towards abrogation or incorporation, even though its abrogation is preferable. A distinct constitutional amendment prohibiting the President from appointing himself as a Minister or a Governor appointing himself as a Commissioner, is also necessary because of grave dangers inherent in this practice. These include inefficiency, gross mismanagement of public funds, monumental corruption and manifest illegality as the practice constitutes a clear violation of constitutional provisions which forbid these chief executives from holding any other executive positions during their tenure of office. According to Akintayo (2023), breaches of constitutional provisions are engendered because unlike the breaches of penal statutes which attract serious sanctions, there are generally no sanctions for constitutional infractions. He, therefore, rightly recommends imposition of serious sanctions for violation of the constitution, including vacation of office in addition to any other punishment the court may impose.

In addition to the further constitutional amendments proposed in the work, Nigerians are enjoined to have attitudinal change that emphasizes fidelity to the spirit and letters of the Constitution.

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