CHAPTER III

FOREIGN POLICY AND THE CONSTITUTIONAL PROCESS

Introduction:

The main focus of this Chapter is on the constitutional provisions governing the foreign policy of Nigeria dating from the time of independence with particular emphasis on the 1979 Presidential Constitution.

The concern of this Chapter therefore is with a view to highlight the implications of certain provisions of the respective constitutions that may hamstring the conduct of foreign policy and make necessary suggestions where the need be.

Foreign policy is by its very nature complex and demanding. Forces which shape it arise from both the domestic and external environment, and some of these are totally outside the control and influence of national decision-makers. These factors impose limits on those who make, interpret and implement foreign policy. The need often arises for reasonable freedom and flexibility so that those entrusted with the shaping of foreign policy can evaluate forces at work, analyse the circumstances that face them, negotiate by making unilateral concessions and some time do these uninhibited by excessive irrational...
and emotional pressures. Excessive secrecy as opposed to open diplomacy may defeat the execution of a dynamic foreign policy. Also personal conduct of foreign policy and the total absence of institutions and structures that can be reported to and can regulate personal styles invariably negates the performance of an active and spirited foreign policy.

There is also the fact that federations are different from unitary states in this regard. Problems of constitutional capacity which may face various units of a federal system do not in fact exist in a non-federal polity. Furthermore, because duties, functions and powers are shared in a federation, there are certain areas over which various levels of government lack domestic constitutional jurisdiction. Besides, as a particular type of constitutional system featuring a division of powers between two levels of government with neither level legally subordinate to the other in the performance of its legislative responsibilities, federalism poses a special problem of political engineering involving a pragmatic attempt to reconcile unity with territorially based diversities.

According to K.C. Wheare, "There are ... at least two important problems confronting the framers of a federal constitution in respect of the conduct of the
foreign relations of the federation. There is the problem of whether the power to control foreign relations should be given in its entirety to the general and regional governments, more particularly so far as the carrying out of treaties into effect is concerned. There is also the problem of how the power of the general government in foreign affairs whatever its extent may be is to be so controlled that in its exercise the divergent interests of the component regions in the federation shall be duly safeguarded.¹

The known practice in all federations, is the assignment of external affairs to the all inclusive government. This is with a view to ensure that the federation exhibits a single identity externally and to minimize its constituent units competing among themselves. There is also the principle that what concerns the nation as a whole should be placed under the control of the central government. The aforementioned conditions have not been taken proper care of by the Nigerian Constitution. In any case, the 1954 constitution is an exception because of its colonial origins. On the other hand, the 1960 as well as the 1963 Republican constitutions are not adequate enough for strengthening the central government in the performance of a meaningful and spirited foreign policy.
However, this is quite contrary to the earlier widespread expectations regarding the foreign policy provisions of these two constitutions. The late Prime Minister of Nigeria, Sir Abubakar Tafawa Balewa emphasised while moving the historic independence motion in the Nigerian House of Representatives in January 1960 that, 'The greatest single contribution we can make to Africa and to world peace generally will be to show how a country containing so many diverse elements can find a peaceful solution to its internal difficulties'.

The late Prime Minister's statement implies that Nigeria's very diversity may indeed prove to be the guarantee of its stability and moderation in world politics.

In any case, the presidential constitution which came into being in October 1979 may perhaps be considered to have solved some of these anomalies. It is no doubt an improvement over the previous constitutions. But then, as in the previous constitutions, the 1979 constitution equally provides for both exclusive as well as concurrent legislative lists. That is to say, there are certain aspects which are exclusively within the jurisdiction of the Federal Government and the concurrent aspects where both the federal and the state governments have concurrent legislative authority.
Besides, the process that culminated into the making of the 1979 constitution involves to a great extent a very considerable and careful efforts to consult and involves as large and varied a group as possible in the determination of the new constitution. By far the most important and fundamental decision was the adoption of the presidential form of government. The separation of the Head of State from Head of Government involves a division between real authority and formal authority which is meaningless in the light of African political experience and history. The clashes and conflicts inherent in the system producing instability in government and society. The executive presidency on the other hand it was thought may by implication provide a clear focal point of loyalty which is indispensable to national integration.

In the light of this situation, there is the need to have a careful and detailed examination of the 1979 constitutional provisions with regards to foreign policy. However for the sake of our present study the most relevant aspects of the constitution dealing with foreign affairs starting with the preamble to the constitution has been discussed.
PREAMBLE TO THE CONSTITUTION

We the people of the Federal Republic of Nigeria, having firmly and solemnly resolved, to live in unity and harmony as one indivisible and indissoluble sovereign nation under God dedicated to the promotion of inter African solidarity, world peace, international co-operation and understanding.

And to provide for a constitution for the purpose of promoting the good government and welfare of all persons in our country on the principles of freedom, Equality and Justice and for the purpose of consolidating the unity of our Country, Do hereby make enact and give to ourselves the following constitution.

This preamble to the constitution is in itself a vivid explanation of the status given to foreign affairs in the 1979 Constitutional blueprint of Nigeria. Moreover, the preamble indicated the priority given to the promotion of inter African solidarity which has been the centre piece of Nigerian foreign policy since the attainment of independence in 1960. Furthermore, the concern over world peace, international co-operation and understanding shows the respect accorded the UN as the most rational international organisation and a further source of strength to the third world countries in their international relations.
It is hardly surprising that primary importance has been given to Africa and world peace, in the Nigerian foreign policy as indicated in the preamble to the constitution. It is however, an obvious fact that, this kind of foreign policy posture can be easily seen in the ambit of the constitutional provisions of most third world federations, India being a useful example in this regard. But the uniqueness of the Nigerian case in this regard stem from the fact that, it has been a continuous process after a long thirteen years period of military interregnum.

It is therefore, interesting to note that after such a long period of time, the 1979 presidential constitution apart from retaining certain relevant aspects of the 1963 constitution, has also made improvements on it. This need not be construed as to implying that the previous constitutions particularly that of 1963 does not contain adequate provisions. No doubt the Nigerian regions prior to the creation of states were given considerable powers by the federal constitution of 1954, 1960 and 1963. But still the federal and concurrent lists did however, assign to the central government quite extensive powers over external affairs, citizenship, immigration, defence, public orders, Civil and personal care, finance, trade, commerce, industrial development, labour, basic communication, utilities and public works.
The intention of the framers of the constitution then in setting out the division of powers in this way, with residuary legislative powers assigned to the regional governments was to emphasize the extent of regional autonomy. This was particularly the case in the Nigerian federal constitution of 1954, which accentuated the achievement of regional autonomy by reversing the arrangement in the preceding constitution whereby regional powers had been specified and the central government had passed the residual legislative authority. Although foreign affairs and the operation of the diplomatic service have been accepted with little question as appropriately central functions, the power to implement international treaties and agreements has as in other federations raised difficulties.

In Nigeria it was the regional fears of undue central interference in regional subjects that prevailed. In these cases the implementation of treaties and international agreements in so far as they affected normally regional subjects required the consent of the regional governments to become operative.

Another area which has been generally a source of difficulty in the distribution of functions has been the realm of economic affairs, especially the regulation of trade and commerce, industries, labour and economic
planning. This has been because in these fields certain aspects of major national significance and others of special regional interests were closely interconnected. These difficulties were further complicated by the conflicts of economic interests between the former regions specializing in different products between industrial and agricultural areas between regions dependent on exports and those dependent on home markets that would benefit from different general and tariff policies.

Thus the improvement on these anomalies made by the 1979 presidential constitution was because of the foresight, deep involvement and commitment as well as the astute interest by the framers of this constitution to give Nigeria a pride of place in the community of nations particularly with regard to African affairs. They also recognised the fact that in recent times there has been increasing concentration of more powers in the centre. Moreover, the situation in the midtwentieth century world in which the passive state has been succeeded by the active state technical developments have led to greater international and inter-regional inter-dependence. Consequently, international commitments affecting internal legislation have multiplied, and the expense of defence and security has increased. Indeed these very
factors have also affected the older federations to such a degree that today the proportion of total public expenditure in the hands of their regional governments is even less than in the newer federations.

It is therefore, not surprising that primary importance has been given to external affairs in the 1979 presidential constitution particularly with regard to centre state relations. It has been to a great extent counterbalanced in favour of the central government. This stems as Prof. Bolaji Akinyemi rightly said, "From the fact that the two heads of states involved in the constitutional process, Generals Murtala Mohammed and Olusegun Obasanjo, were members of the foreign policy elite before the July 1975 coupdéstat brought them to the helm of state affairs. By the time the constitutional process was initiated, both Mohammed and Obasanjo were deeply involved in handling the Angolan crisis. In other words, while being aware, perhaps of the primacy of domestic politics in the minds of the average citizen they were also aware of the fact that, a foreign policy issue could consume such a high proportion of government's time as to even pose a threat of momentarily diverting that government from its chosen priorities."
However, for our present purpose of discussing the foreign policy provisions of the 1979 presidential constitution it is necessary to first consider two things.

1) How did the authors of the federal blueprint of Nigeria tackle the problems identified by K.C. Wheare as to whether the power to control foreign relations should be given in its entirety to the general government or divided between the general and state governments, more particularly the power of carrying treaties into effect is concerned. 2) To what extent can it be said that the solution adopted by the 1979 constitution preserves the indivisible identity of Nigeria as an international actor while reflecting the federal character of the constitutional landscape.

As already asserted; the independence constitution and the 1963 constitution established strong federal constitutional system based on the Wheare model. But because of the nationalism and the regional bases of the three major political parties existing then—the Northern people’s Congress (NPC), the Action Group (A.G.) and the National Council of Nigerian Citizens (NCNC), the post independence regional governments were very powerful units in the federation. It was their presence that prevented the centralizing tendencies in the federation from coming to the fore after 1962. This was when the
change in the balance of power in favour of the NPC and the centralizing impact of the national development planning exercise set in motion the operation of the law of federal dominance in the Nigerian constitutional process. However, the framers of the 1979 constitution being aware of the mistakes have taken care of these aspects. As a result the constitution has provided ample room for proper and effective conduct and execution of foreign policy. In all there are 73 provisions in the constitution relating to foreign affairs. This is in fact a very unique case because in the United States constitution there are 17 provisions while that of the Soviet Union has 39 provisions. This is not to imply that in terms of substance, the Nigerian provisions bear similarities to these other provisions or that they are of the same quality.
FOREIGN POLICY POWERS OF THE PRESIDENT

The president is the Head of State and Government, as well as the commander in Chief of the armed forces of the federation. But still he is not authorised to commit the military resources of the country for war or peace without the prior consent of a joint session of the National Assembly. Article 5 paragraph 3 (a) specifies that while the president can declare a war, only a joint session of the National Assembly can authorise a declaration of war by the president. This is further reinforced by the provisions of Article 53 (b) which states that no military personnel shall be deployed on combat duty outside Nigeria unless approved by a resolution of the National Assembly. While the war provisions of the constitution ensure the dual purpose of responsibility of sharing power between executive and legislative branches and check on the possible excesses of the president, they seriously limit the power of the president to act swiftly in times of national crisis. In addition it reduces the credibility of the president in Nigeria's relations with its immediate neighbours who expect some degree of security co-operation in time of threat.

A possible rationale for this provision is that presidential declaration of war with the approval of the
National Assembly necessarily carries with it the assurance that the National Assembly will make the financial appropriations required for prosecuting the war. Since the last weapon in the foreign affairs armory is war, the National Assembly as experience has shown in other federations like the U.S. can frustrate the conduct of the President's foreign policy by denying him the sanction which underscores the need for rapport between the two branches of the Federal Government.

It has to be understood that, the provisions of this section of the constitution does not in actual sense preclude the president from declaring a war. The President by the way he conducts his foreign policy might even create a war situation which if being eminent can make the Assembly to have no alternative than to declare war. The framers of the constitution inserted this clause in order to checkmate the arbitrary use of such powers by an autocratic minded president. In any case, it is really out of place to expect the president to await resolution of both the Houses when there is a threat of external aggression. It is worth noting that any likely adverse effect on the nation due to such delay or negligence may have tremendous repercussions on the president as the father of the nation. In other words it might be construed as if the president is abdicating his constitutional responsibilities if he does not give immediate response to such a external threat.
Professor Bolaji Akinyemi's address to the Nigerian Senate on the Presidential system and international relations might be instructive in this regard: If one of our neighbours who is friendly with Nigeria sends information at 12 midnight that there is a mercenary invasion about to take place in his country and sends a frantic call for help what would be Nigeria's response? As per the constitutional provisions, the President of the Senate, the Leader or speaker relaying the urgency of the neighbour's problem, but under the constitution, the president cannot commit his troops because he must wait for the National Assembly to meet for authorising him to declare war. By the time the Assembly is reconvened for the purpose of authorising help to the neighbour, the threat would have been executed by the invader. The ultimate result of this would be a deterioration on the high esteem the neighbouring countries may be having on the country. It would further damage the image of the country in the world at large.
The sharing of separation of powers can be found in the relations between the executive and the legislature. The president is empowered to negotiate, sign, and implement treaties on matters on the exclusive list. But the constitution specifies that such treaties must be enacted into law by the National Assembly before they can be regarded as law. Where the treaty or act of the National Assembly ratifying the treaty must be ratified by a majority of the states and the regional bases of the three major political parties then the Northern peoples congress (NPC), the Action Group (A.G.), and the National council of Nigerian citizens (NCNC) the post independence regional Governments. It was their presence that prevented the centralizing tendencies in the federation from coming to the fore after 1960 when the change in the balance of power in favour of the NPC and the centralizing impact of the national development planning exercise set in motion the operation of the law of federal dominance in the Nigerian constitutional process. It is often contended that, this results to a serious limitation on the president's powers particularly with regard to multilateral, treaties.

On the contrary Professor Awa is of the view that, "Total federal or central control over treaty making power particularly with regard to economic and cultural matters is undesirable in a federal system."
His argument is that federal system should not destroy diversities of culture or impose uniform economic pursuits. From professor Awa's contention it is understandable that in a federal system of the type of Nigeria there need to be balance in the distribution of powers between the centre and the states and concessions given where necessary.

Quite interestingly these safeguards were provided for in the 1960, 1963 constitution and further strengthened in the 1979 presidential constitution. But the passivity of these sections in almost all the constitutions was because of the regional bases of the political power structure. But still it can be said that this section of the 1979 constitution is an improvement over the 1963 republican constitution where regional Governments were constitutionally allowed to appoint Agents General to represent them in the United Kingdom, United States and West Germany. But this does not mean as professor Awa has stated that provision need not be made in the constitution for the protection of the interests of the states. The old practice in 1963 republican constitution is more of an aberration a misnomer as Dr. Ajomo has rightly pointed out. It is however interesting to note that these aspects has been corrected by the 1979 constitution.
The federal character of the 1979 constitutional provisions does not seem to pose legal constraints on the ability of the federation to prosecute wars in defence of the territorial integrity of the country. What may hamstring the war effort of the federation is likely to be found not so much in the possibility of conflict between the federal and the state governments as in intra-governmental rivalry at the national level, particularly through different political complexion of the National Assembly and the presidency.

Chapter two of the 1979 constitution discusses the fundamental objective and directive principles and provides for the promotion of African Unity, the liberation of Africa and friendship among all peoples and states of the world. The direct provision equally states that, the president and all the Ministers shall meet regularly at meetings known as those of the federal executive council for purposes among others of determining the general direction of domestic and foreign policies of the federal government and that the president, Vice President and a Minister of federal government shall appoint any person as a special adviser to the president in the performance of his duties provided that the number of such advisers and their remunerations and allowances shall be as prescribed by law or by resolution of the National Assembly.
Another provision of directive principles of state policy is the establishment of:

(a) The National Defence Council to advise the president on matters relating to the sovereignty and the territorial integrity of Nigeria and.

(b) The National Security Council to advise the president on security matters. It is rather astonishing for one to learn that, whereas the Ministers of Defence and External Affairs serve on the latter only the Minister of Defence serves on the former. This kind of exclusion of the Minister of External Affairs from the National Security Council may be considered as Mazi Ray Ofoegbu said, “an apathy towards foreign policy.” This is because it is unthinkable for a national security decision to be taken without considering its external implications. It is however not surprising for such an exclusion as Mark Dalancey said, "In the process that culminated into the making of the constitution none of the Nigerian foreign policy experts were included in either the CJC or CA." 

This was the reason why the Nigerian Institute of International Affairs has to organise a seminar with a view to review certain aspects of the constitution particularly with regard to external affairs. It was suggested in the seminar that a special committee on
foreign affairs be set up. It is eminently clear that there are certain qualities that will distinguish the proposed sub-committee from the normal foreign policy making body. The following considerations are weighed regarding the composition of the sub-committee:

(a) Proximity to the Capital (Lagos) that is the seat of government, the need for speed in decision making required that this body should be available at all times so that it can be summoned for short run crisis management.

(b) Relevant expertise brought in from institutions such as the Nigerian Institute of International Affairs, the universities and individuals of independent mind, integrity and experience with secure bases outside of government. 17

The president on the other hand may also adopt from the National Defence Council (NDC) and the National Security Council (NSC) those members who may contribute to technical aspects regarding security and military affairs which the non-military advisers cannot do. Arrangements need to be made in order for this sub-committee to bring out some of its ideas weekly before taking them up with the National Security Council, they would appraise policy issues and propose strategies. These weekly meetings can play a highly useful role in promoting an opportunity for the president to set the tone in foreign policy.
The above recommendations of the Institute notwithstanding it has to be understood that, the constitution has made adequate provisions on subjects such as extradition, diplomatic and consular representation, passports and visas, naturalization, control and welfare of aliens. These aspects require amount of care on the part of the foreign policy executives because of their external dimensions and foreign policy implications.

Section 19 (d) of the constitution had covered citizenship by birth on children born out of wedlock. While section 23 (ig) defined those who can claim to be Nigerians by birth as every person born in Nigeria before the date of independence either of whose grandparents belonged to a community indigenous to Nigeria.

Understandably this provision in 1979 constitution was with a view to correct the anomaly in the 1963 constitution which had created a class of stateless persons for all those who thought they were legally Nigerians but who were born before October 1st, 1960. The anomaly in sub-section (1) and (4) of the constitution amendment degree of 1974 had used the phraseology either of his parents or any of his grandparents. However, the 1979 constitution adopted a uniform liberal usage of any of whose grandparents. The provision governing acquisition
of citizenship by these two groups of individuals in section 24 of the 1979 constitution are more liberal than those applying to other groups who have no marriage or blood ties with Nigeria.

Furthermore, section 29(1) allows for special immigrant status with full residential rights to non-Nigerian spouses of Nigerian citizenship. Section 12 of the constitution disallowed dual citizenship for more than a period of twelve months or in the case of a citizen of Nigeria by birth until he is twenty years old. This was one of the issues dealt with at the Institute's seminar. Majority of the participants at the seminar felt that the constitution should be exercised on the advise of 'The Machinery that recommended citizenship in the first place,' to prevent the abuse of such a power which has such tragic consequences on the life of an individual. All in all it can be said that this chapter dealing with citizenship is essentially liberal. It has no racial connotations and has not singled out any cultural or religious group for special favours. There is no discrimination in the citizenship clause of the constitution against people of African descent. It equally does not discriminate against women because citizenship can be claimed through either parents, whereas some states in a fit of masculine self-agrandisement allow citizenship to be claimed through the nationality of the father.
It is however, no argument for one to retort that some of this provisions were with a view to protect the Nigerian culture from western influence because the United Nations System is no longer dominated by western civilizations, the majority of third world states such as Nigeria belongs to non-western civilization. If those in majority can reach an agreement with the others on standards on marriages, Nigeria should be in a position to change her culture accordingly.

The constitution has equally made ample provisions with regard to fundamental rights. This is because in the later part of the twentieth century, the boundary between the domestic and foreign affairs has been shrinking at the expense of domestic affairs. The United Nation's involvement in human rights and the use even if a controversial one by the Jimmy Carter administration in the United States has justified the inclusion of the provisions on human rights. These provisions are enshrined in sections 30, 42, 160, 191 and 258 of the constitution. For instance, section 30 (1) of the constitution provided that no man can be executed except and only after he has been convicted by a court of law operating in Nigeria. In extension to section 30 (2a), it provided that death resulting from the use of such force as necessary to defend oneself does not contraven the constitution.
The significance of pan-African unity and solidarity in the Nigerian foreign policy can hardly be overemphasized. Given the prominence that has commanded wide acceptability, it is not surprising that the first foreign policy provision on African unity and solidarity occurred in the preamble to the constitution. Besides, section 19 of the constitution provided that, the state shall promote African unity as well as the total political, economic, social and cultural liberation of Africa and people of African birth or descent throughout the world and all other forms of international cooperation conducive to the consolidation of universal peace and mutual respect and friendship among all peoples and states and shall combat racial discrimination in all its manifestations. 26

The significance of this section to the constitution with regard to foreign policy stems from the fact that the Second World Black Festival of Arts and Culture (FESTAC) which took place in Nigeria in 1977 was supposed to symbolize and strengthen black solidarity. This could be easily attested by the several official statements that Nigeria will not be indifferent to the plight of blacks anywhere in the world. This particular section of the constitution arose so much controversy among the Nigerian foreign
policy experts that even at the Nigerian Institute of International Affairs (NIIA) seminar the controversy continues unabated. The institute's seminar was successful to some extent in correcting the anomalies involved in this section. The experts in the seminar were able to rearrange this section and ultimately succeeded in inserting 'before all other forms of international co-operation' to show that Nigeria places a higher priority on combating racial discrimination suggested the insertion of 'justice between universal and peace', to show that justice must come before peace and that there can be no peace without justice.

Furthermore, section (7) and (e) of the constitution has provided for the admission of another state into Nigeria. It provided that before any state could be admitted into Nigeria in this regard there should be approval from both the Houses of Assemblies of the constituent states of the federation of Nigeria. In view of the stringency involved in this provision, Prof. Solaji Akinyemi suggested at the Institute's seminar that it should better be, 'Any Act of the National Assembly for the purpose of admitting another state or part thereof from outside Nigeria as a state or to form part of another state
within the federation shall only be passed if any proposal thereof submitted to each House of the National Assembly is approved by a resolution of each of the Houses by a two-thirds majority of all the members of each House.

The implication involved in this section is that the constitution has not given room for Nigeria to join another country as provided for other countries to join Nigeria. Since the framers of the constitution found it proper and necessary to provide in section 100 (7) and (8) of the constitution for the admission of another country into Nigeria. It would have been proper for Nigeria to join another African or political creation and for some of the functions listed as exclusive to the state to be surrendered to or shared with regard to continental African political formation.

In fact, even as at the drafting stage of the constitution most members of the constitution Drafting Committee (CDC) were very critical of the rigidity of this section. They felt it was so rigid as to make virtually impossible for new states to be created. However, it gave room for allowing or permitting Nigeria as an entity to join an economic political union. The rationale was that with the signing of the
ECOWAS treaty and its protocols, there is a real possibility of Nigeria becoming part of a larger economic or political entity and that the constitution should provide for this.

On the whole it has to be understood that in spite of certain limitations on executive power, the formal constitutional sources of authority point out the prominence of the president's immense authority. This is further accentuated by the lack of specificity on the branch of government that has jurisdiction over such vital exclusive list matters. These include arms, ammunition, explosives, banks, borrowing of money outside Nigeria citizenship, naturalization and deportation of aliens. The constitution has been operational long enough so far there had been no constitutional hitch within the various organs of the Government in the process of executing foreign policy. The structure of the presidential system itself as well as the provisions of the constitution has created new political conditions that helped to strengthen and condense broad national interests against sectoral interests.

Even in matters relating to executive and legislative sharing of powers there has been no spectacular disagreements over foreign policy between the legislature and the president. On occasions such as the
deployment of Nigerian troops to Chad and the duration of their stay, the legislative branch has exercised its constitutional rights.

So far there had been no indication that the federal character of Nigeria's constitutional system, the allocation of legislative competence for the defence and external affairs and the manner in which responsibilities for defence and foreign affairs were shared between the legislative and executive arms of the Federal Government did make it difficult for Nigeria to conduct active foreign policy.

During the past twenty five years of independence, the federation of Nigeria had eight different Governments at the national level. These Governments were led by Sir Abubakar Tafawa Balewa, Major-General Aguiye Ironsi, General Yakubu Gowon, General Murtala Mohammed, General Olusegun Obasanjo, Alhaji Shehu Shagari, General Mohammadu Buhari, and General Ibrahim Babangida. Under each of these administrations, the national interests and objective of the country seemed to be defined continuously to encompass:

(1) The defence of the country's sovereignty, independence and territorial integrity,

(2) The promotion of the economic well being of Nigerian citizens,
(3) The restoration of human dignity to black men and eradication of colonialism and white minority rule from Africa and,

(4) The creation of political and economic conditions in Africa and the rest of the world peace with justice.

Over the years a clear national consensus has always emerged in support of these interests and objectives. This is the reason why Nigerian leaders have always been vocal in their foreign policy pronouncements.

As far as foreign policy and the conduct of external relations are concerned, none of the six military Governments left any room for the direct involvement of the component units of the federation. Since 1967, foreign policy has been discussed and official statements made in the context of the national objectives put together under General Obasanjo's administration. Nigeria's attitude and policy responses to foreign policy problems in Africa especially south Africa and Namibia has been very vocal and dynamic.

By and large it has to be asserted that, the federal constitutional system of Government has not hamstrung the conduct of Nigeria's external relations despite the irritations which the politically strong regional Governments caused between 1960-1966. Sir Abubakar the then Prime Minister dealt with these
problems successfully by emphasizing the exclusive competence and responsibility of the Federal Government in the conduct of the country's external relations. The fact that the intrusion of the regional governments into the foreign policy area through the side door tolerated by the 1960 and 1963 constitution do not occur between 1979 and 1993 under President Shehu Shagari's regime shows a constitutional prescription against the problem of confusion of divided responsibilities in foreign policy has been dispensed with. The projected future shows Nigeria more deeply integrated with the rest of the world, creating opportunities for international influence without undue external pressures.
It is easily discernible from the foregoing discussion that, the 1979 Presidential Constitution has made ample provisions on foreign policy. It, in other words, can be considered to be an improvement over the foreign policy provisions of the 1960 as well as that of 1963. This can be seen from the exclusive aspects of the previous constitutions that were exploited by the regional Governments in the First Republic by entering into the fields of foreign policy which was then as now the exclusive responsibility of Central Government.

Though there are certain aspects of the constitution such as the war powers of the President, citizenship and treaty making and implementation which are thorny, on the whole the constitutional provisions have not hamstrung the execution of foreign policy.
FOOT NOTES


2. Ibid., page 178.


6. Ibid., page 3.


8. Ibid., page 11.


14. Ibid., page 2989


16. Ibid., page 37.


19. Ibid., page 19.


22. Ibid., page 20.

23. Ibid., page 20.

24. Ibid., page 19.

25. Ibid., page 21.

26. Ibid., page 18.

27. Ibid., page 13.