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Article

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EMERGENCY RULE DECLARATION AND ITS SECURITY IMPLICATIONS FOR DEMOCRATIC PRACTICE IN NIGERIA

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Abstract

Since 1999, Nigeria has been in the front burner of democratic rule with specific states embroiled differently in ethno-religious and political violence. For instance, Plateau state former Governor Joshua Dariye's inability to resolve ethno-religious violence between Muslim and Christian which resulted in hundreds of people killed in Yeiwa, made former President Olusegun Obasanjo to declare a state of emergency in May 2004, Also in October 2006, a state of emergency was declared in Ekiti State, by former President Olusegun Obasanjo, due to a political crisis following the impeachment of former Governor Ayodele Fayose. In 2013 northeast states had upsurge in Boko Haram insurgencies and state of emergency for intensive military operations was declared. Recently, in March 2025, a state of emergency was declared in Rivers State by President Bola Tinubu. This action was taken due to the failure of Governor Fubara to resolve political disagreements between him and members of the State House of Assembly. Arising from the above, the study examines the constitutional foundations governing the declaration of emergency rule in Nigeria, analyzes selected cases of emergency rule declarations since 1999 and their practical implementation, and assesses the security implications of emergency rule on democratic practice. The paper used secondary methods of data gathering sourced from textbooks, journals, internet, among others. The findings of the paper argued that although emergency rule is a valid constitutional mechanism intended to protect the state, its repeated or expansive application carries significant security risks. These include the erosion of institutional integrity, weakening of civil liberties, and the undermining of public confidence in

democratic governance. The conclusion of the paper revealed that the declaration of states of emergency has patterns of inconsistent adherence to legality, proportionality, and oversight. The declarations of emergencies in Plateau State 2004, Ekiti State 2006 and Bayelsa in 2025 demonstrated how emergency powers have been politically instrumentalized, as tools for the federal authority to assert its relevance rather than addressing genuine crises. The study offered recommendations aimed at strengthening constitutional safeguards, reinforcing independent oversight, and improving the state's capacity to respond to emergencies without compromising democratic norms.

Keywords: Emergency Rule, Democratic Consolidation, Institutional Integrity, Constitutionalism, Security, Rule of Law, Political Governance.

Background to the Study

Emergency rule constitutes a critical constitutional mechanism designed to enable governments to respond decisively to extraordinary threats that endanger national security, public order, or the effective functioning of state institutions. In the Nigerian context, the declaration of a state of emergency is not merely a procedural tool; it is rooted in a complex historical trajectory that reflects the country's colonial legacy and post-independence struggles with instability and authoritarianism. Tracing its origins to colonial ordinances and emergency regulations imposed by British authorities to suppress dissent and maintain control, the use of emergency powers was subsequently adopted and expanded by successive military regimes following independence in 1960 (Ayoade, 1978; Momoh, 2010). During periods of military rule, emergency declarations frequently served to legitimize the suspension of democratic processes and the centralization of power in the executive, often at the expense of civil rights and the autonomy of subnational governments. Since the transition to civilian governance in 1999, Nigeria has continued to rely on emergency provisions in its constitutional framework to confront an array of security and governance challenges. These have included armed insurgencies such as the Boko Haram uprising in the Northeast, escalating communal and ethnic violence in the Middle Belt, and political crises that threaten the stability of states' institutions. While emergency rule is ostensibly deployed to protect the territorial integrity of the nation and restore public order, its invocation has frequently provoked intense debate and controversy.

Statement of the Problem

Although the 1999 Constitution of the Federal Republic of Nigeria establishes procedural safeguards and legal thresholds for declaring a state of emergency, the practice of implementing these provisions has consistently exposed deep-seated tensions within the country's democratic experiment. At the heart of this tension lies the expansive authority vested in the executive branch, which, while intended to enable swift responses to genuine crises, often collides with the foundational principles of constitutionalism, accountability, and the separation of powers. For instance, the declaration of emergency rule in Plateau State in 2004 and Ekiti State in 2006 illustrates how emergency powers can be invoked not solely to address security threats, but also in ways that raise suspicions of political calculation and opportunism (Ojo, 2006). The removal of elected state institutions and the installation of federally appointed administrators generated controversy over whether such measures were truly necessary or simply convenient instruments to consolidate federal influence.

This recurrent pattern highlights a persistent dilemma: while emergency governance is, in theory, a legitimate tool to safeguard national stability, its application has too often blurred the line between the protection of public order and the erosion of democratic norms. The apparent ease with which constitutional guarantees—such as the autonomy of subnational governments, the protection of civil liberties, and the oversight roles of the legislature and judiciary—can be suspended under emergency provisions has contributed to public skepticism about the genuine motives behind such declarations. Critics have argued that the exercise of emergency powers sometimes undermines democratic principles, including checks and balances, judicial oversight, and respect for fundamental rights (Ibeanu & Momoh, 2009). Questions have been raised about whether the suspension of normal constitutional guarantees is always justified or proportionate to the crises cited by the federal government. Moreover, the recurrent use of emergency rule has often exposed deeper structural weaknesses in Nigeria's federal arrangement and its capacity to resolve conflicts through democratic institutions and processes. Taken together, these historical and contemporary dynamics underscore the complex role that emergency rule continues to play in Nigeria's political development a mechanism simultaneously intended to preserve the state but often perceived as a vehicle for executive overreach and the erosion of civil liberties.

Objectives of the Study

- i. To examine the constitutional and legal foundations governing the declaration of emergency rule in Nigeria.
- ii. To analyze selected cases of emergency rule declarations since 1999 and their practical implementation.
- iii. To assess the security implications of emergency rule for democratic practice in Nigeria
- iv. To proffer recommendations for the exercise of emergency powers.

Research Questions

- i. What constitutional and legal frameworks underpin the declaration and administration of emergency rule in Nigeria?
- ii. How have emergency rule declarations since 1999 been implemented, and what patterns emerge from cases such as Plateau State (2004), Ekiti State (2006), and the Boko Haram insurgency?
- iii. In what ways do the use of emergency rule influenced democratic consolidation, including respect for civil liberties, the rule of law, and institutional trust?
- iv. What measures can be adopted to ensure that emergency rule serves its intended purpose without undermining democratic governance?

Research Methods

The study utilized secondary methods of data collection, sourced from legal documents, academic literature, media reports, official statements, journals, textbooks and internet

Significance of the Study

This research makes a critical contribution to the broader field of democratic theory by examining how emergency powers are exercised in transitional democracies, using Nigeria as a case study. While emergency rule is a constitutionally sanctioned tool intended to protect the state during periods of crisis, its application often reveals deeper tensions between state authority and democratic accountability. By analyzing the patterns, motivations, and consequences of emergency declarations in Nigeria between 1999 and

2025, this study sheds light on the delicate balance between ensuring public order and safeguarding democratic institutions. The findings from this research are not only academically relevant but also practically valuable. They offer insight into how emergency rule can either support or undermine democratic consolidation, depending on how such powers are regulated and implemented. In doing so, the study provides evidence-based recommendations for constitutional and policy reform. These recommendations aim to strengthen institutional checks and balances, enhance transparency, and protect civil liberties even in times of crisis. Policymakers, legal scholars, civil society actors, and democratic reform advocates can all draw from the study to push for more accountable and democratic use of emergency powers in Nigeria and similar contexts.

Scope and Limitations of the Study

This study focuses on emergency rule declarations since 1999 such as Plateau State (2004), Ekiti State (2006), most impacted states by the Boko Haram insurgency (2013) and Rivers State (2015). The analysis explores the legal basis, political context, and institutional response to each declaration. However, certain limitations apply. The research relies primarily on secondary data sources, including legal documents, academic literature, media reports, and official statements. As such, it may not fully capture the nuanced perceptions of citizens and on-the-ground actors regarding the legitimacy or impact of emergency rule. In addition, the study does not include direct fieldwork or interviews, which limits its ability to assess the emotional and psychological dimensions of public trust in democratic institutions during periods of emergency governance. Despite these constraints, the study offers a robust and contextually grounded analysis that contributes meaningfully to both scholarship and policy dialogue on democracy and governance in transitional states.

Literature Review

The historical evolution of emergency rule in Nigeria: The practice of emergency rule in Nigeria has evolved across distinct political epochs, each reflecting the prevailing institutional logic, governance structures, and political tensions of the time. From colonial authoritarianism to military dictatorship and finally to constitutional democracy, the use of emergency powers has been a recurring feature of statecraft - often blurring the line between crisis response and political expediency. Under British colonial administration, emergency powers were institutionalized through instruments such as the Public Order Ordinance and various Emergency Powers Orders. These legal frameworks granted the colonial government broad authority to suppress dissent, control assemblies, and curtail press freedom under the guise of maintaining public order. Such measures were routinely used to neutralize nationalist agitation and labour unrest. Olukoshi (1990) noted that the colonial state was structurally predisposed to rule by decree during periods of perceived instability, thereby embedding authoritarian tendencies into Nigeria's administrative culture. This colonial legacy left an enduring imprint, particularly in the manner in which emergency governance became synonymous with coercion rather than constitutionalism. Nigeria's first major post-independence experience with emergency rule occurred in 1962, during a period of intense political crisis in the Western Region. The federal government declared a state of emergency in response to internal party conflict and widespread violence. This marked the first suspension of a regional government in independent Nigeria and established a precedent for federal intervention in subnational affairs (Post, 1963). Though legally grounded, the move was deeply controversial and set the tone for how emergency rule would later become a political tool during moments of elite contestation. The military era,

spanning from 1966 to 1999, witnessed the most frequent and sweeping use of emergency powers, although often under the guise of martial law rather than formal constitutional declarations.

During this period, successive military regimes routinely suspended the Constitution, dissolved legislatures, and issued Decrees that centralized power in the hands of the executive. Diamond (1988) observed that military rule normalized the logic of suspension, where the government functioned outside legal constraints in the name of national stability. Decrees such as the State Security (Detention of Persons) Decree and the Emergency Powers Decree gave military rulers the authority to detain individuals without trial, censor the press, and override judicial rulings. The systematic erosion of civil liberties during this era entrenched a political culture where executive discretion, rather than constitutional procedure, defined responses to crisis. These years also weakened the judiciary and legislature, institutions that are supposed to provide checks on emergency excesses in democratic settings. With the transition to civilian rule in 1999 and the adoption of the Fourth Republic Constitution, Nigeria introduced formal procedural safeguards aimed at regulating emergency declarations. Section 305 of the 1999 Constitution outlines the conditions under which the President may declare a state of emergency, including war, natural disasters, and breakdown of public order. Importantly, it requires the declaration to be approved by both houses of the National Assembly and subject to periodic review. This marked a significant departure from the unchecked authority of the military era, theoretically anchoring emergency powers within a democratic and legal framework.

Security

Security applies to the level of citizen's wellbeing, separation of power, independent of the judiciary, strong institutions, access to portable water, food, shelter, health facilities, employment, education and other basic requisites needed for good life (Aisedion & Omoregie, 2021). It is the collectivity of those citizen needs which provide overall safety and quality of life and prevent the occurrence of disobedience and violence. The lack of means of survival and the subsequent desire to meet the basic needs of man if not provided by the state attract rancor which manifest through political, economic and religious crises (Aisedion & Omoregie, 2021). It is understandable that the lack of security encourage dissension, dissatisfaction, and political upheaval in Nigeria. The emphasis here is that security is development and development is security because a country with excessive weight on traditional security affects economic and political stability. The appointment of Sole Administrators in states where emergencies were declared against a constitutionally elected governor, and the relegation of separation of power, among others cannot be regarded as security. Also, in the Northeast where state of emergency was declared which necessitated the over reliance on military and its weapons of war because of the upsurge of Boko Haran insurgencies is a false sense of security. McNamara (1968, .Pp.23-24) noted:

That any society that seeks to achieve adequate military security against the background of acute food shortages, population explosion, low level of productivity and per capita income, a higher rate of illiteracy, a fragile infrastructural base for technical development, inadequate and inefficient public utilities and a chronic problem of unemployment, has a false sense of security. It is poverty, not the lack of military hardware that is responsible for insecurity and security is development without development there can be no security.

In the contest of McNamara's (1968) observation, security summarily can be regarded as the provision of adequate food, population control, high level of productivity and per capita income, a higher rate of literacy, a solid infrastructural base for technical development, adequate and efficient public utilities, gainful employment, human capital development, qualitative and affordable education, availability of health facilities, social inclusion, environmental sustainability and individual competitiveness. Unfortunately, lack of security contributes to socio-economic decay, which manifests in religious, socio-economic and political violence. Security according to Imobighe (2001), refers to the satisfaction of human needs in the utilization of resources instead of pursuing excessive military weapons. This implies the government can simply invest in the provision of basic human needs to stem the tide of chaos and violence. To this end, security encompasses safety from hunger, diseases, unemployment, illiteracy and poverty, among others. The neglect of these critical indices provides a veritable background for insurgency and political rancor in Nigeria. Lack of access to education and information renders some citizens ignorant, unenlightened, uninformed and thus vulnerable to exploitation, abuse and deceptions (Aisedion & Omoregie, 2021). Poor and government insensitivities to the basic needs of the people are the bane of development crisis. State of emergency attracts frustrations, disillusionment and hopelessness on the part of the electorate and the elected officials. Leadership as the name implies has to do with the management of people with clear defined goals and objectives. It involves the mobilization and motivation of people for greater productivity whether at family, community, national or global levels. Leadership is one of the essential determinants of development and core ingredients in organizing, mobilizing and inspiring societal resources for the attainment of set goals (Aisedion, & Omoregie, 2021).

Democracy

Democracy is viewed as a political system in which the people voluntarily give their consent to elect their representatives as major participants (Agara & Aisedion, 2018). In democratic systems, the citizenry hold the ultimate political power and public authority is limited, thereby recognizing a relative broad area of private freedom. Furthermore, in a democratic setting, fundamental freedom and fundamental rights, elections, rule of law, separation of powers are common elements benefit of the citizens. However, since Nigeria's democratic rule began; successive leaders have increasingly neglected the welfare of their citizens by accruing dividends of democratic government to themselves, friends and families. The apparent neglect has manifested chronic hunger, high level of illiteracy, inadequate health facilities, poor infrastructural facilities, and unimaginable poverty level in the country. The situation has remarkably shown that Nigerian leadership has undermined the culture of democracy and good governance, based on their misconceptions of what democracy and good governance stand for. The misconception of democracy by Nigerian leadership has unequivocally affected their idea of provision of essential needs to the citizens. Hence, frustrations arising from the citizen's neglect have spurred groups' agitations and separatists' movement for self-determination in all parts of the region. This has resulted in suppression/oppression and the use of state's security agencies to intimidate agitators by the government in power (Aisedion, .& Osimen, 2021).

Theoretical Framework

The declaration of emergency rule presents a complex dilemma for any democratic society, particularly transitional democracies like Nigeria. To understand the theoretical underpinnings and practical implications of this dilemma, three major frameworks were

employed. These include Carl Schmitt's theory of the state of exception, liberal constitutionalism, and democratic resilience theory. Carl Schmitt's theory of the state of exception offers one of the most influential and controversial accounts of emergency power. Schmitt (2005) contended that sovereignty is defined by the authority to decide when the law may be suspended. In his view, the sovereign must possess the prerogative to act decisively in moments of existential crisis, even when such action requires going beyond constitutional boundaries. This perspective acknowledges the possibility that adherence to legal norms in certain situations may endanger the very survival of the state. Therefore, in times of emergency, the sovereign must be able to act quickly and unencumbered by procedural constraints.

In the Nigerian context, this theory is especially relevant, as Section 305 of the 1999 Constitution empowers the President to declare a state of emergency under specific conditions. Schmitt's framework sheds light on how such constitutional allowances for extraordinary power can centralize authority and suspend normal democratic procedures in the name of national security or political stability. However, Schmitt's argument is not without serious risks. His emphasis on discretionary power may legitimize authoritarian tendencies, especially in fragile democracies. In Nigeria, past experiences—such as the declarations in Plateau State in 2004 and Ekiti State in 2006—have raised concerns that emergency rule can be manipulated to serve political ends rather than genuine crisis management. Schmitt's theory, while useful in explaining the logic of emergency governance, also exposes the vulnerability of democratic institutions when the law is suspended in favour of executive expediency (Schmitt, 2005). In contrast to Schmitt, liberal constitutionalism offers a normative response grounded in the primacy of the rule of law. Scholars like Dyzenhaus (2006) argued that even during emergencies, legal norms must remain supreme. According to this view, constitutional democracies should never allow the law to be completely suspended, and any exceptional measures must still conform to legal standards, be subject to legislative and judicial review, and respect fundamental rights. For Dyzenhaus, the strength of a democracy lies in its ability to confront crises without abandoning its core legal and institutional values. This perspective is highly relevant to Nigeria's democratic journey, particularly in evaluating whether emergency declarations comply with constitutional procedures, whether oversight mechanisms function effectively, and whether civil liberties are protected. The liberal constitutionalist approach compels us to question whether Nigeria's democratic institutions are mature enough to enforce the rule of law during crises. When emergency rule is declared without sufficient legislative backing or when it involves the suspension of elected state officials, liberal constitutionalism would view this as a violation of democratic principles. It encourages a commitment to procedural safeguards and legal accountability, even in the face of real threats, and warns against normalizing the use of extraordinary powers (Dyzenhaus, 2006).

The third theory used here is the democratic resilience theory, as articulated by Levitsky and Ziblatt (2018), which adds another crucial layer to this discourse. Rather than focusing solely on laws or sovereign authority, this theory emphasizes the importance of informal democratic norms, institutional strength, and civic culture in withstanding the pressures of emergency governance. Democratic resilience is rooted in mutual toleration, institutional forbearance, and respect for opposition voices. In contexts where these norms are strong, democracies can endure crises without succumbing to authoritarianism. This theory is especially pertinent in Nigeria, where institutional fragility and a weak culture of democratic forbearance have often allowed emergency powers to be stretched beyond

necessity. In situations such as the Boko Haram insurgency, where the threat was real and persistent, the federal government implemented emergency measures to combat violence and restore order. However, these actions were often accompanied by limited transparency, minimal public consultation, and the marginalization of dissenting voices. Democratic resilience theory suggests that even where legal frameworks permit emergency rule, its long-term democratic implications depend largely on the strength of institutions like the judiciary, legislature, media, and civil society (Levitsky & Ziblatt, 2018).

A review of these three theoretical perspectives provides a rich and multifaceted understanding of emergency rule in Nigeria. Carl Schmitt explains the concentration of power in the executive during crises but simultaneously highlights the dangers of unfettered authority. Liberal constitutionalism serves as a safeguard, insisting on legality, oversight, and rights even under exceptional circumstances. Democratic resilience theory bridges the theoretical and the practical, emphasizing the role of norms, practices, and institutions in defending democracy during turbulent times. Each framework has direct relevance to the Nigerian experience between 1999 and 2024. Schmitt helped explain how emergency powers have been used to override regular governance; Dyzenhaus highlighted the importance of legal fidelity and accountability in curbing misuse; and Levitsky and Ziblatt reminded us that the real strength of a democracy lies not just in its laws, but in its culture and institutions. Understanding and applying these theories is essential for critically evaluating whether emergency rule in Nigeria has served its intended purpose of safeguarding the state or whether it has contributed, however unintentionally, to the weakening of democratic practices.

Analysis

Legal and Institutional Framework of Emergency Rule in Nigeria: The legal foundation for emergency rule in Nigeria is firmly embedded in the 1999 Constitution, as indicated in table 1 below, which provides a formalized procedure for the declaration, implementation, and oversight of states of emergency. However, the strength of these provisions has often been undermined by weak enforcement, inconsistent judicial interpretation, and the legacy of executive dominance in times of crisis.

Table 1. Constitutional Provisions on Emergency Rule in Nigeria (1999 Constitution)

Provision	Description
Section 305(1)	President may declare a State of Emergency through an official instrument (Proclamation).
Section 305(2)	Conditions: War, imminent danger, public disorder, natural disaster, or breakdown of public order.
Section 305(3)	Proclamation must be transmitted to the National Assembly within 2 days for approval.
Section 305(4)	Initial duration: 6 months; renewable by National Assembly for further periods of 6 months.
Section 305(6)	Can be revoked by the President or annulled by National Assembly resolution.

Source: **1999 Constitution (as amended)**

Understanding Nigeria's emergency powers requires a close examination of their constitutional basis, judicial enforcement, and comparative application. Section 305 of the 1999 Constitution provides the legal foundation, allowing the President to declare a state of emergency in situations of war, natural disaster, or public disorder. Such proclamations must be submitted to the National Assembly within two days and can only remain in force for six

months unless renewed by legislative approval (Federal Republic of Nigeria, 1999). This framework aims to balance executive responsiveness with democratic accountability. In practice, however, implementation has often deviated from these constitutional safeguards. While the judiciary has occasionally upheld the legality of emergency declarations, it has shown inconsistency in reviewing procedural violations or abuses of power. As Yusuf (2015) noted, judicial reluctance to challenge the executive - particularly in politically sensitive cases - has weakened constitutional oversight and contributed to impunity. Comparative experiences further expose the limitations of Nigeria's emergency governance. Unlike Nigeria, India's Supreme Court has become more assertive since the 1975-77 Emergency, strengthening its role in upholding civil liberties (Bhushan, 2004). In the United States, courts have also played significant role in constraining executive overreach during crises (Gross & Ní Aoláin, 2006). In contrast, Nigeria continues to grapple with an enforcement gap: while the constitutional provisions are detailed, their application is undermined by weak institutions, limited legislative scrutiny, and politicized judicial appointments. Thus, while Nigeria's legal structure for emergency powers is robust in theory; its effectiveness depends heavily on the political will of the executive, the assertiveness of the legislature, and the independence of the judiciary. Without consistent enforcement and oversight, emergency rule risks eroding democratic norms rather than protecting them.

The deployment of emergency powers in Nigeria since 1999 reveals persistent tensions between security needs and constitutional governance. In Plateau State (2004), sectarian violence prompted President Obasanjo to suspend the elected governor and appoint a military administrator. While the move restored order, it raised serious constitutional concerns about federal overreach and the precedent it set for removing elected officials (Suberu, 2005). A similar pattern emerged in Ekiti State in 2006, where political infighting led to the suspension of the governor and legislature. Critics argued that the declaration bypassed constitutional remedies such as impeachment, reflecting an executive tendency to resort to emergency rule in managing political crises (Ojo, 2006). These cases illustrate how emergency declarations, though legally permissible, can be manipulated to serve partisan interests. The most extensive use of emergency powers occurred between 2013 and 2015 in response to the Boko Haram insurgency. The Goodluck Jonathan administration declared emergencies in Borno, Yobe, and Adamawa States. Although these declarations were widely supported and arguably necessary, their implementation was marred by human rights violations. Amnesty International (2015) reported extrajudicial killings, arbitrary detentions, and abuses by security forces during the emergency period. Moreover, the repeated extensions of the emergency in the Northeast blurred the line between temporary intervention and prolonged exceptional governance. The absence of a clear exit strategy and weak institutional oversight raised questions about democratic erosion and the risk of normalising authoritarian practices. Taken together, these cases underscore that emergency rule in Nigeria is not merely a legal response to crisis but a political act with significant implications for federalism, civil liberties, and democratic consolidation. While such measures may be necessary in extraordinary circumstances, their legitimacy hinges on strict adherence to constitutional procedures, effective oversight, and the protection of fundamental rights.

The Analysis of Selected Cases of Emergency Rule Declarations Since 1999

In practice, the use of emergency rule in the Fourth Republic has continued to generate controversy and suspicion. Two notable examples illustrate this tension. In 2004, a state of emergency was declared in Plateau State following inter-communal violence and the

breakdown of law and order. Similarly, in 2006, the federal government imposed emergency rule in Ekiti State amidst a political standoff and allegations of corruption. However, both declarations were framed as necessary responses to governance failure and insecurity. Critics argued that they reflected deeper political rivalries and power beyond the limit of the federal government (Ojo, 2006). Table 2 below underscores several cases of state of emergency rule and their outcomes since 2004 to 2025.

Table 2: Major Emergency Rule Declarations in Nigeria (1999–2025)

State/Region	Year	Reason for Declaration	Outcome
Plateau State	2004	Ethno-religious conflict and widespread violence	Governor suspended; Administrator appointed
Ekiti State	2006	Political crisis and legislative paralysis	Governor and House suspended; Emergency administration imposed
Adamawa State	2013	Boko Haram insurgency	Military operations intensified
Borno State	2013	Boko Haram insurgency	Emergency extended; humanitarian crisis escalated
Yobe State	2013	Boko Haram insurgency	Emergency renewed multiple times
Rivers State	2025	Political crisis and threat of violence	Governor and House suspended; Administrator appointed

Source: Aisedion & Momoh fieldwork 2025

In 2004, 2006, and 2025 emergency declarations, elected state institutions were suspended, and federally appointed administrators took over control, raising concerns about democratic backsliding and the instrumentalization of constitutional provisions. From the foregoing, although state of emergency declaration is entrenched in Section 305 of the 1999 Constitution of the Federal Republic of Nigeria, the historical legacy of arbitrary emergency governance has continues to shape contemporary practice. The tension between law and discretion remains unresolved, as do questions about proportionality, duration, and oversight. The legacy of emergency rule in Nigeria, therefore, is not merely a constitutional issue but a reflection of the country's broader struggles with democratic practice, institutional fragility, and political accountability.

On March 18, 2025, President Bola Ahmed Tinubu declared a state of emergency in Rivers State, invoking Section 305 of the 1999 Constitution of the Federal Republic of Nigeria (as amended). The proclamation, issued in response to escalating political instability and security threats in the oil-rich Niger Delta states, marked a significant federal intervention in subnational governance and sparked intense national debate (Federal Republic of Nigeria (FRN), 1999; Ogundiya, 2023). What made this declaration particularly contentious was its unilateral nature. Unlike the constitutional requirement that emergencies are typically declared upon the advice of or request by the governor of the affected state, this instance proceeded without any formal request or consent from the Rivers State Government. Governor Siminalayi Fubara, his deputy, and the entire state legislature were suspended for an initial period of six months. In their place, President Tinubu appointed retired Vice Admiral Ibok-Ete Ekwe Ibas as the Administrator, concentrating both executive and legislative authority in a federally selected individual. Although the judiciary was left to function independently, the centralisation of all other powers raised serious constitutional and democratic questions (Okoye & Nwankwo, 2024). Although this emergency intervention is not unprecedented in Nigerian history, critics argued that the 2025 Rivers intervention

follows a growing pattern where federal emergency powers are used not solely to restore law and order but also to recalibrate political dynamics in contested regions (Momoh, 2022). The backdrop of political rivalry between Governor Fubara and his predecessor cum godfather, Nyesom Wike, adds credence to the view that political motives were entwined with security concerns (Akinola, 2024).

Legal scholars have also questioned the constitutional legitimacy of suspending elected officials under emergency rule. Section 305 of the Nigerian Constitution grants the president the power to declare a state of emergency but silent on the suspension or removal of elected governors or state assemblies. This legal ambiguity, exploited in the 2025 case, has amplified calls for constitutional reform to better define the limits of executive power during emergencies (Ogundiya, 2023). Moreover, from a federalist and democratic consolidation perspective, the intervention in Rivers State underscores the fragility of Nigeria's democratic institutions. It raises concerns about the weakening of subnational autonomy, the erosion of public trust in electoral mandates, and the normalization of executive overreach. While the Tinubu administration justified its actions on grounds of national security, observers warn that such measures, if unchecked, risk entrenching authoritarian tendencies under the guise of constitutionalism (Okoye & Nwankwo, 2024). In essence, the Rivers State emergency declaration reflects a recurring tension in Nigerian politics: the clash between central authority and democratic decentralization. While emergency rule may be constitutionally grounded, its procedural execution and political context suggest a deeper crisis of democratic resilience and institutional accountability. The rationale offered by the federal government included increasing incidents of political violence, sabotage of critical oil infrastructure, and an alleged failure of governance at the state level—developments seen as posing a direct threat to national stability (The Conversation, 2025).

Although the federal government has insisted that the measure was constitutionally valid and necessary to forestall further breakdown of order, the declaration has provoked widespread constitutional, legal, and political controversy. Foremost among these is the ambiguity surrounding the legality of suspending democratically elected officials under emergency rule. While Section 305 empowers the President to declare a state of emergency in response to specified threats - including threats to public order, national security, or a breakdown in governance - it does not explicitly confer authority to remove or suspend elected state executives (Oduro, 2025). This constitutional silence has led to divergent interpretations and raised important questions about the scope and limits of executive power during emergencies. Legal scholars have warned that such actions risk setting dangerous precedents that erode democratic institutions and violate the principles of federalism embedded within Nigeria's constitutional order (Alabi, 2025).

The political context surrounding the emergency rule further complicates its legitimacy. Rivers State has been a focal point of intra-party conflict, particularly between Governor Fubara and his predecessor, Nyesom Wike, who currently serves as a federal minister. Critics argue that the timing and nature of the intervention suggest possible political motivations, with federal power being used to recalibrate the balance of influence within the ruling All Progressives Congress (APC) and to undermine opponents within the political establishment (ModernGhana, 2025). As such, while the official justification emphasized security concerns—such as attacks on oil pipelines and a resurgence in militant activity - many observers contend that the measure may in fact exacerbate existing rivalries and entrench a cycle of federal-state antagonism rather than facilitate resolution (The

Conversation, 2025). This case is emblematic of the broader tension that has historically characterized emergency governance in Nigeria: the trade-off between crisis response and constitutional fidelity. As previous studies have shown, emergency rule in Nigeria has often been used not merely as a tool for restoring order, but as a mechanism for centralizing power and reconfiguring political control (Suberu, 2005; Ojo, 2006). The intervention appears to follow this pattern, thus raising important normative questions about the relationship between legality, legitimacy, and political expediency. From a democratic consolidation perspective, the Rivers State emergency underscores the precarious nature of subnational democratic institutions in Nigeria. While short-term stabilization may be achieved through federal intervention, the long-term implications for democratic governance are far more uncertain. The durability of Nigeria's democratic experiment depends not only on the capacity of the state to manage crises, but also on its willingness to do so within the confines of constitutional norms and with respect for popular sovereignty. If emergency powers continue to be deployed in ways that circumvent due process, suppress dissent, or marginalize elected representatives, they may ultimately weaken the very institutional foundations they are meant to protect.

The Security Implications of State of Emergency Rule for Democratic Practice in Nigeria

The recurring deployment of emergency rule in Nigeria has generated profound security implications for democratic practice. This is by exposing the fragility of institutional arrangements, exclusion of separation of powers, and checks and balances, and relegation of constitutionally elected political authority. This ultimately results in deficits in public trust and accountability. While emergency powers are constitutionally permitted under specific circumstances, their application has often revealed deeper tensions within Nigeria's democratic framework, particularly concerning executive dominance, the protection of civil liberties, and the integrity of constitutionalism. One of the most significant security threat and impacts of emergency rule has been the entrenchment of executive dominance at the expense of other arms of government. In numerous instances, emergency declarations have empowered the presidency to override elected state institutions, suspend governors, and dissolve state legislatures. For instance, the cases of Plateau (2004) and Ekiti (2006), the centralization of authority disrupts the balance and separation of power essential for democratic governance. According to Ibeanu and Momoh (2009), such practices have weakened institutional checks and undermined the role of both the legislature and judiciary as effective checks and counterweights to executive action. The result is a distorted form of governance in which democratic processes are subordinated to the discretionary judgment of the federal executive, often with minimal accountability.

The imposition of emergency rule has also had far-reaching security consequences for civil liberties and political rights. In states under emergency governance particularly conflict-affected regions such as the Northeast, Boko Haram insurgency there have caused significant restrictions on freedom of movement, assembly, and expression. Security forces operating under emergency mandates have frequently been accused of arbitrary arrests, prolonged detentions without trial, and extrajudicial killings. Reports by human rights organizations, including Amnesty International (2015), have documented widespread abuses committed under the guise of restoring order. Such violations not only erode citizens' freedom and trust in state institutions but also contravene Nigeria's international human rights obligations and democratic ideals which stand for the welfare of the citizens.

Closely tied to these concerns is the problematic relationship between emergency rule and the rule of law. Although Section 305 of the 1999 Constitution provides a legal

framework for declaring a state of emergency, the interpretation and implementation of this provision have often been selective and politically motivated. As Yusuf (2015) observed, the ambiguity surrounding the suspension of elected officials and the conditions warranting federal intervention has created space for constitutional manipulation. This legal vagueness allows successive governments to justify extraordinary measures in ways that sidestep democratic norms, contributing to a perception of arbitrary governance. Over time, such practices have eroded public confidence in the impartiality of the legal system and weakened the normative foundation of constitutionalism. Public trust in democratic institutions is further strained by the political optics of emergency rule. While some segments of the population may view emergency declarations as necessary for restoring order in volatile situations, others perceive them as tools for elite political maneuvering. The case of Rivers State in 2025, for instance, has been interpreted by critics as reflecting not merely a response to insecurity, but also an attempt to settle internal party disputes and recalibrate federal influence in a politically strategic state. Suberu (2005), highlighted how such perceptions undermined democratic legitimacy, particularly when emergency interventions appear to disproportionately target political opposition. This politicization of emergency powers therefore, contributes to public cynicism about the state's commitment to democratic values and fairness.

Findings of the Paper

The findings of the paper unveiled that emergency rule is a constitutional mechanism intended to protect the state from anarchy and disorder as a result of inability of those in the wheel of governance to control and take charge of the monopoly of violence. However, the application is discovered to be questionable as it carries significant security implications such as: the erosion of institutional integrity, undermined separation of powers, checks and balances. Furthermore, it is also discovered it is a tool for political oppression by weakening civil liberties, exercise of arbitrary governance sustained by force, substitution of citizens' welfare for investment in military hardware to silent opposition of emergency rule, and the depression of public trust and confidence in democratic governance and practice.

Conclusion and Recommendations

In conclusion, the emergency rule in Plateau state in May 2004, Ekiti State in October 2006, emergency rule on Boko Haram insurgencies in Adamawa State 2013, Borno State 2013, Yobe State 2013 and Rivers State in March 2025 have been evaluation. The evaluation is not solely through the lens of immediate crisis management, but also in light of its constitutional ambiguity, political implications, and impact on democratic norms. The emergency rule in Plateau state in May 2004, Ekiti State in October 2006, emergency rule on Boko Haram insurgencies in 2013 and Rivers State in March 2025 were stated. While the federal government may claim necessity, the lack of legal clarity, transparency, and political neutrality in the implementation of the emergency raises significant concerns about democratic backsliding. Future efforts to restore order must be carefully balanced with a commitment to upholding constitutionalism, strengthening institutions, and addressing the root causes of subnational instability in Nigeria's complex federal polity. Moreover, the recourse to emergency rule points to deeper structural deficiencies in Nigeria's security governance and state capacity. Ideally, democratic states should possess the institutional resilience and administrative competence to address crises within the bounds of ordinary law. The reliance on emergency declarations to resolve breakdowns in public order reveals

chronic weaknesses in policing, intelligence, local governance, and conflict prevention mechanisms.

The security implications of emergency rule for Nigeria's democratic practice are both immediate and enduring. While emergency powers may offer short-term responses to insecurity and political instability, their long-term effects include the weakening of democratic institutions, separation of powers, negation of the welfare of the people to invest in military weapons and its budget, the erosion of civil liberties, the manipulation of constitutional provisions, and a decline in public trust. Moving forward, the trajectory of democratic practice in Nigeria will depend on developing mechanisms that ensure emergency powers are used transparently, proportionately, and strictly within constitutional limits. There should be constitutional reform to better define the limits of executive power during emergencies. This should be accompanied by robust legislative oversight, independent judicial review, and sustained investment in the state's capacity to govern without recourse to exceptionalism.

References

- Agara, B.O. & Aisedion, R. (2018) The concept of democracys. Agara, B.O., Aghemelo, A.T. & Anegbode, J.E. (eds.). Introduction to Political Science Vol. 1. Aniko Nigeria Services.
- Aisedion, R. & Osimen, G. U. (2021). Democracy, good governance and political leadership misconception in Nigeria. *Journal of Advances in Social Science and Humanities*. 1947–1954. Available online <https://doi.org/10.15520/jassh.v7i10.658> [Accessed 18-07-2025, 5:34pa]
- Aisedion, R. & Omoregie, E. (2021). The security implications of human trafficking for national development: the Nigeria experience. *International Journal of Management, Social Sciences, Peace and Conflict Studies (IJMSSPCS)*, Vol.4 No.1 [Acessed 18-07-2025]
- Akinola, R. O. (2024). *Federalism and executive power in Nigeria: A critical examination*. *African Journal of Political Science and International Relations*, 18(2), 45–58.
- Alabi, T. (2025). *Executive overreach and emergency powers in Nigeria's Fourth Republic*. Lagos: Centre for Democratic Governance.
- Amnesty International. (2015). *Stars on their shoulders. Blood on their hands: War crimes committed by the Nigerian military*. <https://www.amnesty.org>
- Bhushan, P. (2004). The judiciary and the Indian emergency: A critique of the Habeas Corpus case. *Economic and Political Weekly*, 39(18), 1610–1618.
- Constitution of the Federal Republic of Nigeria. (1999). *Federal Republic of Nigeria Official Gazette*. Lagos: Government Printer.
- Diamond, L. (1988). *Class, ethnicity, and democracy in Nigeria: The failure of the First Republic*. Macmillan.
- Dyzenhaus, D. (2006). *The constitution of law: Legality in a time of emergency*. Cambridge University Press.
- Federal Republic of Nigeria. (1999). *Constitution of the Federal Republic of Nigeria (as amended)*. Federal Government Press.
- Ferejohn, J., & Pasquino, P. (2004). The law of the exception: A typology of emergency powers. *International Journal of Constitutional Law*, 2(2), 210–239.
- Gross, O., & Ní Aoláin, F. (2006). *Law in times of crisis: Emergency powers in theory and practice*. Cambridge University Press.
- Ibeanu, O., & Momoh, A. (2009). *State responsiveness to public security needs: The politics of security decision-making*. CLEEN Foundation.

- Imobighe, T.A.(2001),The overview of the theoretical issues in African security. In Akidele, R.A. and Bassey, E.A (eds) Beyond conflict resolution: Managing African Security in the 21st century. Vantage Publishers
- Levitsky, S., & Ziblatt, D. (2018). *How democracies die*. Crown Publishing Group.
- Linz, J. J., & Stepan, A. (1996). *Problems of democratic transition and consolidation: Southern Europe, South America, and post-communist Europe*. Johns Hopkins University Press.
- McNamara, R.S. (1968), The essence of security, London Praeger
- ModernGhana. (2025, March 20). Is democracy an illusion as state of emergency declarations are dragging Nigeria back in its democratic journey? *Modern Ghana*.
- ModernGhana. (2025, March 22). Emergency rule in Rivers: Between necessity and political theatre. *Modern Ghana*.
- Momoh, A. (2022). *The foundations of Nigerian federalism: Historical and contemporary perspectives*. University of Ibadan Press.
- National Assembly Endorses President Tinubu's Declaration. (2025, March 19). *The Guardian Nigeria*.
- National Assembly Endorses President Tinubu's Declaration of State of Emergency in Rivers State. (2025, March 20). *Nigerian National Assembly*.
- Oduote, A. (2025). *Emergency powers and constitutionalism in Nigeria: A legal analysis*. Abuja: Nigerian Institute of Advanced Legal Studies.
- Oduote, A. (2025, March 27). Nigeria's state of emergency: Was President Tinubu's declaration legal and justified? *The Conversation*
- Ogundiya, I. S. (2023). Presidential emergencies and the fragility of federalism in Nigeria. *Journal of African Legal Studies*, 6(1), 112–129.
- Ojo, E. O. (2006). Imperatives of sustaining democratic values. *The Constitution: A Journal of Constitutional Development*, 6(4), 21–34.
- Ojo, E. O. (2006). The mechanics of constitutional crisis: The theory and practice of impeachment in Nigeria. *Journal of Social Sciences*, 13(2), 83–93.
- Okoye, U., & Nwankwo, C. (2024, March 20). Rivers State emergency rule: Democracy in retreat? *Vanguard Nigeria*
- Olukoshi, A. (1990). *State, conflict, and democracy in Africa: The Nigerian experience*. Council for the Development of Social Science Research in Africa (CODESRIA).
- Olukoshi, A. O. (1990). The politics of structural adjustment in Nigeria. *Review of African Political Economy*, 17(47), 58–74.
- Post, K. W. J. (1963). *The Nigerian Federal Election of 1959: Politics and administration in a developing political system*. Oxford University Press.
- Schmitt, C. (2005). *Political theology: Four chapters on the concept of sovereignty* (G. Schwab, Trans.). University of Chicago Press. (Original work published 1922)
- Suberu, R. T. (2005). The Nigerian federal system: Performance, problems and prospects. *Journal of Contemporary African Studies*, 23(4), 453–479.
- Suberu, R. T. (2005). The travails of federalism in Nigeria. *Journal of Democracy*, 16(3), 103–117.
- The Conversation. (2025, March 20). Nigeria's oil-rich Rivers State under emergency: Sending in the army isn't the answer. *The Conversation*.
- Yusuf, H. O. (2015). Colonialism and the rule of law: An analysis of Nigeria's emergency powers regime. *African Journal of Legal Studies*, 8(2–3), 201–222.
- Yusuf, H. O. (2015). Colonialism and the rule of law: An assessment of Nigeria's legal and institutional response to emergencies. *Journal of African Law*, 59(1), 1–28.