

TINUBU'S HASTY DECLARATION OF EMERGENCY IN RIVERS

TWELVE years after Goodluck Jonathan declared a state of emergency in three North-East states due to Boko Haram Islamic terrorism, President Bola Tinubu repeated it in Rivers State on Tuesday. With no apparent war other than the infighting between the top political actors in Rivers, it is a hasty and contentious decision with dangerous ramifications. After his hasty Inauguration Day "subsidy is gone" policy gone awry, the floatation of the naira and the threat to levy war on three ECOWAS countries for the coups there, this is another precipitate step by Tinubu. It is a political overdo.

Citing the war of attrition between Governor Siminalayi Fubara and the state lawmakers, Tinubu initially suspended the executive and legislative political structure in Rivers. This is pregnant with meaning. It indicates that Fubara and the parliamentarians may be ousted indefinitely. This is harsh. "By this declaration, the Governor of Rivers State, Mr Siminalayi Fubara, his deputy, Mrs Ngozi Odu and all elected members of the House of Assembly of Rivers State are hereby suspended for an initial period of six months," the President stated. In the interim, he swore in Ibok-Ette Ibas, a retired Chief of Naval Staff, as the state administrator. The judiciary was spared. Twenty-seven members of the Rivers House of Assembly, led by Speaker Martin Amaewhule, have defied Fubara with backing from Nyesom Wike, the Minister of the Federal Capital Territory. Fubara succeeded Wike in May 2023 though there has been a war between the two parties since then. The President, who met with the combatants twice to resolve the turmoil, said he relied on Section 305 of the 1999 Constitution for the suspension. He castigated Fubara repeatedly for the crisis. This is unfair and one-sided. The bias shows through. In all this, Fubara is cast as the bad boy; Wike, the lawmakers and the Federal Government as the angels.

While Section 305 grants the President the mandate to declare a state of emergency in any part of Nigeria, it does not state the President can suspend the governor or the lawmakers. This is the crux of the matter. In Section 188 of the Constitution, only the state House of Assembly can remove a governor through a well-defined legal process. Soldiers took over the Rivers Government House in Port Harcourt on Tuesday night, accompanied by tanks. This gives democracy a bad name. The President should not use every pretext to declare an emergency. The declaration speaks volumes about Nigeria's democracy and hollow federalism. The Nigerian President should not have absolute powers to declare a state of emergency. It creates fear and a sense of lack of independence among the sub-national governments. Can President Donald Trump remove a governor in America? If he does, the courts are there to quickly respond, which they have been doing with Trump's immigration and federal employment policies.

The then-President Jonathan avoided this constitutional debacle in 2013 when he declared a state of emergency in Adamawa, Borno and Yobe States at the peak of the Boko Haram insurgency. Although Tinubu was among the critics who lampooned Jonathan for assaulting democracy then, it was a wiser decision. Jonathan retained the three governors and the parliaments. He must have learnt from history.

In 2004, ex-President Olusegun Obasanjo declared a state of emergency in Plateau due to ethnic killings. Obasanjo ousted Joshua Dariye and appointed Chris Alli as administrator. Despite the outcry, Obasanjo repeated the declaration two years later in Ekiti when he suspended Ayo Fayose as governor and appointed Tunji Olurin as administrator.

Therefore, the National Assembly should reject the suspension of Fubara and the legislators. Since September 2023, Fubara has been at loggerheads with his benefactor, Wike. Wike, a two-term governor of Rivers, has repeatedly castigated Fubara and the Ijaw people,

escalating the turmoil with his intemperate rhetoric. Tinubu conveniently side-stepped this.

The President said, "It is my fervent hope that this inevitable intervention will help to restore peace and order in Rivers State by awakening all the contenders to the constitutional imperatives binding on all political players in Rivers State in particular and Nigeria as a whole." Without reining in Wike, this is wishful thinking. Instead of defusing tensions, the emergency will stoke further divisions. On Tuesday, militants blew up two oil pipelines in Rivers. It could be unrelated to the turmoil, but Nigeria will reportedly lose over \$35 million daily to the two incidents.

This might reverse the gains of employing ex-militants in the Niger Delta to protect the oil assets from attacks. The turmoil degenerated after the ruling by the Supreme Court on February 28. The court reinstated the 27 members of the Assembly. Although they had publicly defected to the All Progressives Congress, the Supreme Court overruled that, citing the withdrawal of the suit challenging their membership of the legislature by Fubara. The Supreme Court stopped the monthly allocations to Rivers. This provoked instant tensions. The 27 lawmakers stopped Fubara from representing the 2025 budget and began impeachment proceedings against him. The Attorney-General of the Federation, Lateef Fagbemi, the APC, the 27 lawmakers, and the Defence Minister, Bello Matawalle, have justified the imposition of an emergency on Rivers. They all blame Fubara. That is sycophancy. Fubara alone cannot precipitate the turmoil. The state lawmakers and their backers deserve equal blame. Without making the legislators realise their belligerency and power-grab antics, the crisis will not decelerate.

Conversely, the Nigerian Bar Association and the main opposition figures, Atiku Abubakar and Peter Obi, have condemned the state of emergency. The New Nigerian People's Party and 12 PDP governors are also against the emergency. Tinubu should tread carefully by learning from history so as not to throw Nigeria's democracy into jeopardy. The seismic events of the First Republic refer. Due to the political turmoil in the Western Region between the premier, Ladoke Akintola, and his predecessor, Obafemi Awolowo in the Action Group, the Prime Minister, Tafawa Balewa declared a state of emergency in October 1962.

Balewa appointed Moses Majekodunmi the sole administrator of the region for six months.

It was seen as hasty, an undue interference in the affairs of the region. The emergency worsened the volatile political turmoil. First, it instigated 'Operation Wetie', in which political thugs doused their opponents with fuel and burnt them and their property. Awolowo ended up in Calabar prison, convicted on trumped-up charges of treasonable felony.

Four years later, the military used the pretext to overthrow the government on January 15, 1966. The soldiers slaughtered Balewa, Akintola, the Northern Premier, Ahmadu Bello, and other political leaders. The first coup instigated another one a few months later, and the Biafra Civil War in 1967. Nigeria is still recovering from Balewa's singular decision.

Therefore, the NASS should not be Tinubu's chorus boys. The lawmakers should critically weigh the pros and cons of Tinubu's emergency declaration and decide to promote democracy in Nigeria. The NASS might approve the state of emergency but should reject the suspension of Fubara, his deputy and the lawmakers. Tinubu and Co. should stop their threats against the Fubara camp and sincerely work towards a political solution by first sanctioning Wike and cautioning the assembly members.

Culled from Punch Editorial Board