



FROM THE PUBLISHER

Supreme Court Inaction On Emergency Rule Suit; Justice Delayed Is Justice Denied

On Thursday, 20 March 2025, it was reported that both chambers of the National Assembly had unanimously approved the State of Emergency declared on Rivers State by President Bola Tinubu. The media reported that the House of Representatives approved the declaration through voice voting by the 243 members in attendance. The approval was done with key amendments, including a provision mandating the appointed Sole Administrator to report directly to the National Assembly rather than the Federal Executive Council (FEC). The lawmakers cited Section 11, Subsection 4 of the Constitution as the basis for this adjustment. The Senate approved the State of Emergency under section 60 {305(ii)} and parts of its Standing Rules, following a closed-door session. The upper chamber of the National Assembly said the emergency rule would bring peace and resolve the crisis in Rivers State. The Senate also urged President Bola Tinubu to ensure that the declaration be reviewed and terminated at any given time, not later than six months. The upper chamber, relying on Section 11(4) of the 1999 Constitution (as amended), resolved to set up a joint committee to oversee the administration of Rivers State legislature and a select group of eminent Nigerians to reconcile the warring parties in the state. President Bola Tinubu declared emergency rule in Rivers days earlier, citing a breakdown of law and order. He appointed Vice Admiral Ibok-Ette Ibas (rtd) to administer the state for six months.

Development Monitor Magazine in her May 2025 Edition did a cover story titled 'Wide Spread Condemnation Trail Declaration of State of Emergency in Rivers State' as many Nigerians believed that the emergency declaration is absolutely unlawful given that the President cannot legally unseat a governor who has a constitutionally protected tenure. Besides, the appointment of a military sole administrator in a democracy is also a serious violation of the Constitution which specifically directs that the form of government in Nigeria recognized by the Supreme law is democracy since the people are rightly the owners of the sovereignty of Nigeria and that government officials derive their legitimacy to exercise authority from the people. From all indications and dimensions that the state of emergency declared by President Bola Tinubu is looked at, the emergency declaration suffers terribly from crisis of legitimacy and legality. Little wonder then that a total of 11 governors of the People's Democratic Party had also as soon as the announcement of emergency declaration was made, approached the Supreme Court challenging what powers President Bola Tinubu has to suspend a democratically elected structure of a state. The suit filed by the governors also challenges the declaration of a state of emergency rule in Rivers State. But very unfortunately the Supreme Court either as a deliberate ploy or as a matter of exigency or inaction did not adjudicate on the matter until the 18th of September 2025 when President Bola Tinubu lifted the state of emergency at the expiration of 6 months to allow the return of Constitutional Democracy to Rivers State. What has played out in Rivers state in the last six months is the undermining of the democratic principles enshrined in the constitution of Nigeria. The National Assembly did not hide the fact that the legislators are in the conspiratorial plots to derail democracy in Rivers state. The judiciary through the Supreme Court has also passed a clear message to Nigerians that it is not willing or ready to hear the suit challenging the state of emergency declaration. For several months since the matter was filed before the justices of the Supreme Court, the apex court of law did nothing about it. The appropriate thing the Supreme court was supposed to in such a matter of overriding public interest was to fast track proceedings before the expiration on September 18th 2025 but alas that did not happen. It is however a welcomed development that the state of emergency has been lifted by the President but the case touches on the rule of law, democracy, and the rights of Rivers people to be governed by a democratically elected state government," Citing Article 13(1) of the African Charter on Human and Peoples' Rights, it maintained that citizens have the right to participate in government through freely chosen representatives, not imposed administrators. What the Supreme Court has done is reprehensible It is Justice delayed and Justice denied. That is a matter for another edition. Our Cover for October 2025 is on the Restoration of Constitutional Democracy in Rivers State, Winners and losers. Don't forget to drop a word for us after savoring. We wish all Nigerians a Happy 65years Independent Celebration.

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