POLITICS OF STATE OF EMERGENCY AS INSTRUMENT FOR STATE CAPTURE: A STUDY OF RIVER STATE PUBLIC ADMINISTRATION, NIGERIA

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DOI: https://doi.org/10.64633/wissj.v9i8.19

Keywords

State of Emergency, State Capture, Public Administration and Nigeria's Constitution

Abstract

The study displays the flagrant abuse of the declaration of thestate of emergency by the president which constitute breach to the constitution of the Federal Republic of Nigeria and by extension weaken the activities of the opposition political parties to avoid one party state. The objectives of the study was to find out how politically motivated state of emergency has breached the constitution of Nigeria and to examine how the declaration of the state of emergency has weaken the activities of opposition political party. In recent times,politically induced state of emergency has been used for state capture in Nigeria like the case of Rivers State. This study is qualitative research anchored on secondary sources of data which was obtained from the study of literature in the form of journal, books, magazines and other works that provide Scientifics and related information relevant to the study. The research made used of content analysis.The study adopted the economic regulation theory which correlates with few people controlling the state resources. The study recommended strong adherence to the constitution in following the procedures for emergency to be declared and democratic institutions to protect democracy with their responsibilities to avoid the weakening of the opposition and to avoid one party state.

Introduction

The declaration of state of emergency is constitutional in the Nigerian political system whose aim is to address urgent political crisis or natural disaster. This article aim to address the following questions: How has politically motivated declaration of state of emergency by the president weaken opposition political parties in Nigeria? ; To what extent has the declaration of the state of emergency by president breached the constitution of the Federal Republic of Nigeria ? . While the objectives of the study were as follows : To find out how politically motivated declaration of the state of emergency by the president has weaken opposition political parties and to examine the impact of how the politics of state of emergency declared by the president has breached the constitution of Nigeria.

A state of emergency is a situation declared by the government where there is crisis or security threat, natural disaster, civil unrest, threat to public safety and requires urgent and special attention or measures to be taken in order to address emergency concerns (Collins Dictionary, 2022). The measure to be taken to address the issues include increased powers of authority restriction on movement and the suspension of certain fundamental rights. There is also the use of excessive military force to counter security threat or other issues that can constitute disharmony in the society. State of emergency is allowed in undeveloped countries and democracy if the government need to go all out to solve an urgent problem capable of causing crisis that can cost the lives of the people and destruction in the society.Today, the world isbecoming a global village, given the growing complexity of business portfolios and expansion of business groups, and the increase in decentralization in response to these changes (Awubi and Omini,2024)

There are issues that can trigger a particular government to ignite a state of emergency. For instance, issues such as natural disaster like flood, earthquake, huge erosion affecting people properties, oil spillage, violence and corruption among other (Federal Republic of Nigeria's Constitution,1999) Natural disaster of this magnitude need the evacuation of the people to keep them in a safe place to allow experts and the necessary workers to their work to mitigate the disaster. Another reason why state of emergency can be declared is where there is crisis or an action that poses threat to human existence. In an attempt to counter this threat, the government can decide to restrict the movement of people or declare curfew where people can work with stated time. Also, excessive force can be utilized by the military to counter threat (Federal Republic of Nigeria's Constitution,1999)

In Nigeria the declaration of state of emergency can be politically motivated. More often than not state of emergency can be characterized with political maneuvering and controversially in order to score a political point or to capture a state or local government. For political purposes. The constitution of the Federal Republic of Nigeria create room and outlines the conditions under which a state of emergency can be declared. Its application can be influenced by the political motivations the president and the reactions of the National Assembly. Since the return of democracy in Nigeria in 1999, several Nigerian presidents have found themselves compelled to invoke emergency powers. Although these declarations have varied in scope and context ranging from curbing sectarian violence to curbing insurgency (Skyweb, 2025). The main goal of these presidents to declare state of emergency has consistently been to restore peace and prevent further loss of lives.

Former president Olusegun Obasanjo declared a state of emergency in plateau state. The

decision for the emergency rule to be applied in Plateau State was the escalating ethnic-religious violence between Christians and Muslims communities (Skyweb, 2025). This wasa conflict that had already claimed thousands of lives since it started in 2001. In the wake of the brutal incidents such as the Yelwa massacre, the violence threatened not only the lives of thousands but also the very fabric of intercommunal trust. Former President Olusegun Obasanjo attributed the breakdown in law and order to the inability of the state government led by His Excellency Joshua Dariye to contain and end the violence. In a bid to restore stability, the president suspended the governor Dariye and immediately dissolved the state House of Assembly and subsequently appointed retired Major General Chris Ali as the Sole Administrator, tasked with restoring peace and re-establishing government control over the conflict – torn region (Skyweb Project, 2025).

The 2024 declaration of emergency rule in Plateau State was a litmus test for Nigerian's post military democracy. The emergency signal to demonstrate that even in a democratic setting, the executive can assure extraordinary powers to stem the tide of widespread violence.

Similarly, under the watchful eyes of the former president Olusegun Obasanjo, state of emergency was also declared in Ekiti State in 2006. This time around, the emergency was not declared because of religious or ethnic violence, but on severe political crisis that greeted the controversies characterized with the alleged impeachment of Governor Ayo Fayose. The controversies and legal irregularities plugged Ekiti into chaos. The political crisis caused serious public disorder and lawlessness in governance. To quell the political crisis, the former president Obasanjo declared state of emergency in Ekiti State. The executive governor and House of Assembly were suspended, while Retired Brigadier General AdetunjiOlurin was appointed asthe sole administrator to manage the affairs of the state and restore public order and normality.

The declaration of state of emergency was alsoinvoked under former president Goodluck Jonathan. Although the emergency and former president Jonathan affected some state and local governments in Niger, Yobe and Bornu states. Democratic structure such as the executive and the legislative arm of government were suspended. The suspension was born out of military action to be taken in these states and local government areas. Also there was a state of emergency declared in the first Republic on June 29th, 1962 to restore peace and order in South Western Region of Nigeria. The region then was engulfed in tensed political crisis that impacted negatively in the region. The then Prime Minister, Tafawa Balewa invoked section 65 of the 1960 constitution to declare emergency rule. However, a legal analysis suggests that the emergency rule declared in South West was illegal.

1.2 Conceptual Review of state of emergency

State of emergency is characterized with huge legality and aimed at addressing emergency situation to avert escalation of lawlessness. According to Observatory (2024), a state of emergency is a situation in which government is empowered to put through policies that would normally not be permitted to do for the safety and protection of its citizens. A government can declare an emergency before,during or after a natural disaster, civil unrest and armed conflict, medical pandemic or epidemic. Under international law, rights and freedom may be suspended during a state of emergency, depending on the severity of emergency and government's policies (Observatory, 2024).

Democracies use state of emergency to manage range of situation from extreme

weather condition to public order situation. Dictatorial regimes often declare state of emergency that is prolonged indefinitely for the life of the regime or for the extended period of time in order for decrees to be used to override human right of their citizens usually protected by the International Convention on Civil and Political Rights (ICCPR) (See, 2012). In military regimes martial law which is similar to state of emergency can be declared to address peculiar issues affecting the society. State of emergency signifies a set of exceptional measures which can be political, economic or related to public order. The emergency can order the entire community or can be limited to some administrative regions. A state of emergency is declared by the government in response to crisis situation, such as pandemic to implement priority preventative measures. It involves restrictions on activities like going out, social gathering and business operations to enable the government control the situation (Transportation Amid Pandemic, 2023). For Backgrounder (2005), a state of emergency derived from a governmental declaration made in response to an extraordinary situation posing a fundamental threat to a country. For Iloh and Omisore (2021) maintain that emergency mean a sudden condition or state of affairs calling for immediate action. According to Christian and Stefan (2018) posited that state of emergency do not only imply a significant change in the balance of power between the three branches of government, they are also very frequently declared to address peculiar problems that can undermine the sovereignty of a country. State of emergency can be politically influenced to weaken opposition. For instance, in Ethiopia and Honduras, state of emergency was declared to weaken the opposition. In Nigeria during the Covid-19 pandemic the Federal Government of Nigeria declared an emergency to curtail the spread of the virus by locking down schools, markets, religious centers and maintenance of social distance (Omini and Ekpo, 2021). In essence, a state of emergency is a temporary measure that allows government to respond decisively to a crisis situation, but also raises important questions about the balance between security and individual liberty.

For Jordon (2022) emergency powers refers to temporary, exceptional granted to government during times of crisis. These powers allow for certain legal norms and procedures, enabling the government to respond effectively to the emergency situation.

1.3 Conceptual review of state capture

State capture is a type of systematic corruption whereby narrow interest group take control of the institutions and processes through which public policy is made directing public policy away from public interest and instead using government power to solve their own interest (Elizabeth, 2023). State capture is exercising of power by private actors through which they have control over the resources of the state, threat of violence or other forms of influence to shape policies or implementation of service of their narrow interest (World Bank, 2017). According to Adreas (2019) explained that state capture thrives in areas with weak institutions, heavy state involvement and considerable room for discretion. Consequently, recognizing the mechanisms of capture, the actors incentives and the institutions sectors and products that are captured help to understand the ineffectiveness of policies and to identify entry points for designing policies that are politically implemented and promote long term growth (Adreas, 2019).

State capture refers to the situation where private interests unduly influences public policy making and resources allocation, often to the detriment of the larger public good. For Liz (2024) posit that, the term state capture

was coined in the late 1990s and early 2000s to describe a pattern of high level corruption observed in Post-Communist Europe and the former Soviet Union. Liz (2024) maintained that state capture has morphed into a new variant, whereby political leaders, often democratically elected in the first instance, abuse their legitimate access to formal power to administer processes or distribute resources in ways that explained their control over core state functions for their own private gain. The politics involve instate capture has been given different names by different scholars, including elite state capture or incumbent capture (Grazymala – Busse, 2008) party state capture (Innes, 2024) and executive takeovers (Svolik, 2019). Many scholars analyze it in terms of democratic backsliding: a term which raises alarm about how it shifts countries towards autocracy and authoritarianism. In Nigeria hijacking the autonomy of local government is a typical reflection of state capture by the various state governors backed by the Federal Government. The people at the local government level in Nigeria have not enjoyed governance at that level for over a decade. According to Ubi and Robert (2021) maintained that it is crystal clear that, more than seventy percent of Nigerians are residing in rural communities in Nigeria, thus the need why local government system should perform and function at optimum capacity without any encroachment by other tiers of government . State capture is also visible at state and national in an attempt to subvert the constitution to allow few political elites tocapture the state and rule in their favor against the interest of the people.

1.4 Theoretical framework

Theory of Economic Regulation.

The study adopted the theory of economic regulation which also referred to capture theory. The economic regulation was postulated by Stigler in 1971. The attributes of the theory are characterized with difficulty in the implementation socio-economic development in former socialist countries to negative short term welfare effects of economic reforms. According to Hellman et al (2000) overturned this view by arguing that criminal capture of state organs and policy formulation itself by politico-economic elite network present the main obstacle to progressive societal reorientation, thereby establishing current state capture theory.

The notion of state capture is ideologically contested. There are three schools of thought: the neo-liberal, neo-institutions economics and Marxist. Each has different notions of the state and economic, political and ideological understanding of state capture. The neo-liberal perspective of financial institution. For neo-liberal, state capture occurs because policy makers are inherently corrupt and use state power for rent allocation and patronage (Robism&Hadiz, 2004). Neo-liberal believe in self-regulation, the economic assumption underpinning their view of state capture being that the forces of demand and supply are better determinant of interest and exchange rates. Policy makers militate against efficient allocation of savings and investment, thereby hampering economic development (Srouji, 2005). The new institution economist believes in the new intervention of state institutions to address market failure and are opposed to neo-liberals (Maurice, 2018). On the Marxist perspective, the Marxists believe that the state is always under the control of a dominant group, class or coalition effectively then, the state is under perpetual capture (Srouji, 2005).

The assumption of the theory is that there are few political elites responsible for state control of the policies and programme of the state. The political elites control the economic activities of the state and as such even the judiciary is in their control. The implication of state capture is injustice, under-development and the fear for investor to invest in such

economy that is regulated by few individuals at the expense of the entire masses of the state. This is a similar situation after the declaration of the state of emergency and the politically motivated backing from the National Assembly in Rivers State,Nigeria. River State has never remained the same in terms of development since the enthronement of a sole administrator to be in charge of the entire affairs of River State. State of emergency has to do with the suspension of democratic institutions that are supposed to check the system for the betterment of the society. In this case, only the interests of the President and that of those loyal to him were served against the will of the people. It was reported in major media outlets how the city of Port Harcourt is now an eyesore following the failure to manage waste properly. The economy of the state is in serious crisis. Also insecurity is on the increase considering the fact that the people are unhappy with the politically motivated declaration of a state of emergency. For Umoru et al (2023) stated that many countries in West Africa have had to battle with insecurity due to poor economy and leadership. Among the WAMZ members' state, Nigeria is the worst hit by insecurity. The channeling of resources to maintain security is an attempt to improve macro-economic stability. Unfortunately, such investment in insecurity prone areas will affect investment in key sectors of the economy (Umoru et al, 2023).

The state of emergency has crippled the economy of River State as there is no democratic institutions or structure to check the spending of the sole administrator. Insecurity as it relates to attacks on oil facilities and oil bunkering which are economic sabotage to the Nigerian state have skyrocketed beyond proportion. Thus, there are calls by well-meaning Nigerians and people of conscience that the President should reinstate the state governors His Excellency, SimilayeFubara, the State House of Assembly and all democratic structures in the state so that the people can enjoy the dividend of democracy.

1.5 Methodology

This study is qualitative research anchored on secondary sources of data which was obtained from the study of literature in the form of journal, books, magazines and other works that provide Scientifics and related information relevant to the study. The research made used of content analysis.

1.6 River State Political Crisis between SimlayeFubara (Governor of River State and Nyesoun Wike (Former Governor of River State and Minister of the Federal Capital Territory)

River state is rich in crude oil production which made the state attractive to investors . The state is host to many profitable organizations which is responsible for the high population. The state is among the populated state in Nigeria due to labour mobility and infrastructural development. Thus, the population and the high revenue profile of the state serves as political attraction to the state during election period.

Most of the former governors of River State had made attempt to contest the position of the President of Nigeria due to the high level of Internal Generated Revenue in the state. Former governor of the state, Rotimi Amachi was instrumental to the failure of the second term bid of former President Goodluck Ebele Jonathan due to the strategic role the former governor played in the political schemes of Nigeria. All prospective presidents in Nigeria need votes from River State to win presidential election.

The protracted political crisis that led to the declaration of stateof emergency and the subsequent suspension of the governor, SimilayiFubara and the entire House of Assembly members was the political crisis on

who to control Rivers State political structures and resources between SimilayiFubara (the current governor) and Nyesom Wike (Minister of Federal Capital Territory and former governor). The former governor of River State who piloted the affairs of the state for eight years and two tenures was instrumental to emergence of SimilayiFubara who was until his emergence as the Peoples Democratic Party Candidate was a career civil servant and never played any role in the political activities of the state. His emergence as the governor of River State came with some bickering to those who felt cheated having being part of the political activities in the state. The Minister of the Federal Capital Territory, Nyisome Wike want to control the entire political structures of the state and control the state resources despite having a democratically elected governor in the person of His Excellency, SimilayiFubara. In fact, Wike has major control of the River State House of Assembly. The former governor was responsible for the appointments of the entire commissioners and the Chief of Staff to the governor. This means that Wike has control of both the executive and legislative arm of government in the State and by the extension the finance of the state.

The executive governorSimilayeFubara was not pleased with the administration of the affairs of the state, since he was not in charge. Major and critical decisions of the state were taken by Wike and yet all the blame go to the governor where there was failure. Immediately the Supreme Court Judgement sustained and validated the election of the governor, the governor began to plot how he could have total control of the activities of the state affairs. While the governor has plotting, the Minister of Federal Capital Territory was also plotting the impeachment of the governor since he controls majority of the State House of Assembly members. The Minister of Federal Capital Territory asked some members of the House of Assembly to defect to the All Progressive Congress (APC) which is the ruling political party in Nigeria. Twenty seven members of the House of Assembly loyal to Nyesom Wike obliged and allegedly defected to the ruling political party with television and other media footages showing their defection. While five members loyal to the incumbent governor did not defect. These five members had to declare the seats of the 27 members vacant citing the constitution of the Federal Republic of Nigeria. Section 109(1) of the 1999 constitution of Nigeria as amended states that "A member of a House of Assembly shall vacate his seat in the House, if, being a person whose election to the House was sponsored by a political party, where he becomes a member of another political party before the expiration of the period for which that House was elected: Provided that his membership of the latter political party is not as a result of a division in the political party which he was previously a member or of a merger of two or more political parties or factors by one of which he was previously sponsored".

The interpretation of section 109(1) is that under the provision, a member of the legislature who defects from their sponsoring political party is required to vacate his seat unless one of the following exceptions applies:

Division – There is a genuine division within the political party creating factions

Merger – This is where the sponsored political party merged with another political party or faction. These are the exceptional reasons why defection can take place.

During the course of the political crisis Rivers State, the PeoplesDemocratic Party which is the sponsored political party of the twenty seven members of the River State House of Assembly loyal to Nyesom Wike was not having any faction or political crisis. Thus, the five members still in People Democratic Party had to declared the seats of the twenty-seven members vacant for defecting to the All

Progressive Congress (APC). The political crisis led to the burning down of the State House of Assembly to avoid the politically motivated impeachment of the state governors.

Following the declaration of the seats of the twenty-seven members, the governors decide to work with the five loyal members of the Peoples Democratic Party members in the state House of Assembly. While the alleged twenty-seven members that defected to APC were no longer safe to stay in River State considering the high level of opposition from the governor. The twenty-seven members of Assembly whose seats were declared vacant approached Federal High Court with the view that they did not defect, that they were still members of the People Democratic Party and had never defected. The suit was filed against the five members of the state House of Assembly and the River State government that continue to engage with the five members. The governor was engaging the five members of the State House of Assembly including presentation of the state budget. The political crisis got heightened when the governor dissolved the local government and other democratic structures in all the local government in Rivers State. This dissolution was contested also in court. While the court contest was going on to determine the legality of the dissolution of the local government executive council. The governor SimilayeFubara went ahead to conduct a local government election without the presence of the Nigerian Police Force to provide security.. The political crisis brought untold hardship to the people of Rivers State as funds meant for economic development were consumed in the crisis. The governor lost control of the state (Ann& Obinna, 2025)

The suit challenging the declaration of the vacant seats of the twenty-seven members and the dissolution of the local government council in River State proceeded to the Supreme Court. The Supreme Court is the highest court in Nigeria and the court decision nullifies the decision of the lower courts like the High and Appeal court. The Supreme Court of Nigeria ruled that the declaration of the seats of the twenty-seven law makers in the River State Housie of Assembly vacant was illegal as both the state government and the five members who declared the seat vacant could not provide any evidence of their defection and their claim of still members of the Peoples Democratic Party was still intact. On the dissolution of the Rivers State Local Government Executive Council, and the subsequent conduct of the local government election. The Supreme Court ruled that the dissolution by the governor was illegal and then nullified the conduct of the local government election. The court also ruled that the Federal Government should withheld the monthly Federal allocation to sate.

On hearing the ruling, the supporters of the governor were not happy and postulated that the apex court decisions on the political crisis in the state was influenced by Nyesom Wike and the Federal Government. On the return of the twenty-seven law makers loyal to the Minister of the Capital Territory, they started the impeachment process of the governors. The impeachment attempt on the governor, led to some aggrieved persons of the state to start attacking oil facilities and the vandalization of government structures and properties. River State was snowballing into a state of anarchy. It was on the basis of this lawlessness that, President Bola Ahmed Tinubu declared a state of emergency and suspended the governor and all the state House of Assembly members and appointed former Chief of Naval Staff AdmiralIbokIbas as the Sole Administrator of the state.

1.7 The position of the 1999 Nigeria's constitution on the declaration of state of emergency

According to Aviel (2025) a state of emergency is a situation in which the

government is empowered to take extraordinary measures to restore public safety, maintain law and order or address significant crisis. In Nigeria, the 1999 constitution (as amended) provides the legal framework for declaring a state or emergency. The power to declare a state of emergency is derived from section 305 of the 1999 constitution of Nigeria. This section vests the president with the authority to issue a proclamation of state of emergency, under specific circumstances.

According to section 305 (3) of the constitution, the President may declare a state of emergency by an instrument published in the official Gazette only under the following conditions

War situation – When there is war that involve the Federation

Imminent war or invasion – When there are evidence of imminent war or invasion into the country

Breakdown of public order and safety which required extraordinary measures to restore peace

Where there is breakdown of public order

Disaster or natural calamity which affects a community or the entire nation

Any public danger or emergency threatening the existence of Nigeria

A governor's request with the approval of a two-third majority of the State House of Assembly

1.8 Procedure for declaring a state of emergency

Official proclamation – the President issues a proclamation published in the official Gazette

Transmission to the National Assembly – The president must send copies of the proclamation to the president of the senate and the speaker of the House of Representatives, who must in turn convene their respective Houses to consider the situation

Approval by the National Assembly – The national assembly must approve the proclamation within two days (if in session) or ten days (if not in session). If the proclamation is not approved within the stipulated time, it ceases to have effect.

Duration and extension – The state of emergency lasts for six months unless a two-third majority resolution of the National Assembly extends it out of necessity

Revocation – The president can revoke the proclamation by publishing an instrument in the official Gazette. Also, the National Assembly may also revoke the proclamation at any time by a simple majority vote.

Effects of a state of emergency

Restriction of movement – There will be restriction of movement into or from affected areas.

Temporary suspension of certain constitutional rights and civil liberties for the sake or interest of the right.

Deployment of security forces to restore order.

Economic and political measures may require government action towards stability.

Impact of the state of emergency on state governors

The constitution does not explicitly remove governors from office during a state of emergency, however past precedents suggest that.

The President may appoint an administrator to take over executive functions in the affected state

The governor and state House of Assembly may become subordinate to Federal authority for the period of the emergency

In cases like Plateau (2004), Ekiti (2006) and Rivers (2025), governors were temporarily replaced by sole administrators.

1.8 The politics of state capture

Under the sense of State of emergency, the Presidents of Nigeria in the past have in several situations fail to adhered to the procedures of the constitution of the Federal Republic of Nigeria. The Presidents have also disobeyed court orders irrespective of the court. This do not speak well for a country yearning for development and democracy. Disobedience to court order and the constitution is responsible for the failure of both the state and local government to carry out its constitutional responsibility. For instance, the local government system plays critical and commendable roles in the accelerated development of rural areas in Nigeria, unfortunately, that level of government has failed woefully due to constitutional breach (Ubi & Robert 2021). Usual politics on serious issues is a pointer to the relegation of meritocracy on vital matters in the country. According to Omini&Umahi (2024), Africans have the best brains and intelligent people in the world, unfortunately most of these bright minds are in Europe and other continents of the world due to lack of merit system in Africa. All this boils down to playing politics with a system that is supposed to enhance political and economic development.

The politicization of the Nigerian political space by politicians in power has destroyed human capital development among Nigerian youths. Unlike the developing countries where politics is played in almost every facet of the economy. Developed countries of the world keep sustaining and adhering to the sanctity of their constitution and whatever will make their youths have scientific breakthroughs and make global records and prepare them for the international market (Omini&Ofem, 2023).

The politics of state capture has to do with the total annihilation of all democratic structures in River State. It is true that there was political crisis which the Supreme Court had resolved and then the normal procedures world have followed for the development of the state. The suspension of the state governors and the House of Assembly amount to state capture that would dance to the tune of the President against the wish and will of the people represented by the members of the Rivers State House of Assembly. An attempt by the State House of Assembly to impeach the governor would have to go through some political processes and can end up not impeaching the governor.

The appointment of a Sole Administrator to oversee the affairs of Rivers State without any democratic structure to check the activities of Sole Administrator is tantamount to the under-development of democracy. The military can use this as a ploy to topple democracy in Nigeria and return to military regimes with unconstitutionality and flagrant human right abuse. During Covid-19 Pandemic the government declared emergency with the locking down of schools and introducing social distances and other protocols (Omini&Ofre, 2021). No governor and House of Assembly members were suspended with the declaration of State of emergency during the pandemic. The suspension of all democratic structures in Rivers State stripped the people of the participatory right to make critical decisions in public policy. The Sole Administrator make critical decisions on public policy issues without recourse to the people of the state. The impact of this undemocratic politics is the collapse of development and public administration. The hallmark of administration is addressing social problem such as insecurity, social vices and

political crisismilitating against the society (Ubi, Bernard & George, 2023).

The Sole Administrator without consulting anybody appointed Care Taker Committee Chairmen in all the local government areas of Rivers State. These Local Government represent the interest of Nyosme Wike, Minister of Federal Capital Territory and an interested party in the Rivers Statecrisis . Television Footages have shown the poor state of hygiene in the entire state and the high rates of criminality and other farms of lawlessness. There have been series of protest among various groups calling for the return of the elected governor and other democratic structures. The Sole Administrator of Rivers State under his watchful eyes have supervised the spontaneous attacks on democratic structures and those loyal to the suspended governor SimlayeFubara. There is also the height of under-development in the state. The rural areas are facing total neglect from state government intervention.

The politics of state capture under the guise of declaring state of emergency would dwindled the impact of democracy and call for lawlessness among the populace. Rivers State have been captured by the Federal Government and Nyesom Wike for their selfish interest and the 2027 general election at the expense of the people who are supposed to witnessed development are at the mercy of a selected few who manage the resources of the state.

1.9 Implications of the politics of State of Emergency to Nigeria's Democracy

The implications of playing politics with lawless declaration of state of emergency are enormous and impact negatively on Nigeria's economy and in the international community. For instance . Playing politics with declaration of state of emergency weaken democratic structures. During the declaration of the state of emergency democratic structure are suspended paving way for sole administrator to administer the affairs of the state without the consent of the people.. According to Elliot (2018) posit that many governments have used emergency powers inappropriately and needlessly prolonging or renewing states emergency and using emergency powers not to restore democratic normality but to bypass normal channels of democratic accountability, harass dissidents, rig elections, restrict the press and ultimately to set aside a nominal democratic constitution and impose dictatorial regimes. Notorious examples include Paraguay under Stroessner and Egypt under Mubarak where emergency powers were repeatedly renewed and routinely used to crush peaceful dissent (Elliot, 2018). This calls for great care to be taken in designing a constitution's emergency power provisions. The challenge is to find a way that allows the state to respond effectively to real emergencies but that prevents emergency powers from being misused in authoritarian ways. (Elliot, 2018). This means that emergency powers must be subject to proper constitutional guarantees and procedural safeguard. In Nigeria, the politics of the declaration of state of emergency has played key role in weakening and demolishing democratic structures like the case of Rivers State. The declaration of emergency might be good to properly address emergencies, but it must follow appropriate rules and constitutional standards. Besides the negative image politically motivated state of emergency can create, it can also escalateinsecurity, that is the reasonwhy Okoruwa, Omini., Musa and Bassey (2024) maintained thatthe government should continue to provide heavy security in Calabar South Local Government Area to help reduce the problem of insecurity in the area.Samewith the entire Nigeria.

Weaken government institutions: Using State capture in sense of declaring state of emergency is capable of undermining and weakening state institutions. It undermines the

strength of the judiciary which is the hall mark of democracy in the aspect of interpreting the law and the hope of the common man. For instance, the President of Nigeria Bola Tinubu declared state of emergency in Rivers State without the consent of the National Assembly that have key role to play before any emergency can be declared in any state. State capturing has expansion on the capture of the judiciary that failed to nullify the state of emergency in Rivers State despite the number of persons that filed matters in the court to nullify the declaration of the state of emergency.

In a society where the institutions are weak there is room for anarchy and other illegal activities that can suffocate democracy. Government institution are to create and build confidence on the people and entrenched legality by upholding the very tenets of the constitution. Since the declaration of the state of emergency which align with state capturing it has escalated insecurity and other act of lawlessness in Rivers State.

State capturing under the guise of the declaration of the state of emergency encourage indiscipline in political parties: The bone of contention that brought political crisis between governor Fubara and the Majority member of the Rivers State House of Assembly was the illegal defection of the House of Assembly members to enable them caged the governor and only do the bidden of the Minster of the Federal Capital Territory, Nyesom Wike. There was no acrimony in the political party on whose platform they contested and won; The peoples Democratic Party (PDP). State capturing has promoted indiscipline among political party members, they can defect at will because they have the protection of the president and the court.

In the course of the political crisis both documentary and electronic evidence were provided in the court to justify the termination of their membership of the Rivers State House of Assembly having defected to the All Progressive Congress. The constitution of the Federal Republic of Nigeria maintain that if a political platform is used to winelection, the candidate must remain in that political party platform. Any attempt to defect to another political party, this would lead to the suspension and subsequent termination of his political position. The only reason which the constitution allow for defection is when the political party is in deep political crisis that can wreck political activities in the political party.

Destabilization of the opposition political party to check the ruling party in government: Politically motivated declaration of state of emergency will destroyed the entire opposition machineries of other political parties not in power who are supposed to put the government under check. Destruction of the opposition political parties can lead to one party state which would entrench dictatorship. Dictatorship on the part of the government will trample on the fundamental human right of the people without recourse and trigger mitation of military intervention in politics .Democracy returned to Nigeria in 1991 after a protracted military regime. All the excuses of the military gave to intervened in politics in the past was because of the dictatorial tendency of the political party in power towards running the country including allowing lawlessness to reign. Unnecessary declaration of state of emergency which is motivated by state capture is an invitation to military take over.

Scaring of investors: No foreign or local investor will want to invest in a country where the constitutions and the laws of the land is not adhered to by government officials. Lawlessness have negative impact on business environment and as such investors will not want to risk investment in an atmosphere of lawlessness. Politically motivated state of emergency will discourage investor in any economy, this whyEne, Omini, Daniella and

Dachi (2024) posit that government should create enabling environment that will facilitate savings, investment, innovation, entrepreneurship and technical know-how.This can only be possible with an objective declaration of the state of emergency to address societal challenges.

Setting precedents for future President to follow: Now that President Bola Tinubu had successfully declared state of emergency without following the procedures. The National Assembly being too weak to check the excesses of the president, other President that would come after him will do same to propagate fear among the state governors in opposition political parties will be scared to oppose the president when and where he is wrong. This is inimical to democratic tents and development. Nothing is wrong for a state of emergency to be declared mostly when it calls for such situation. But the procedures should be followed with the consent of the National Assembly. The President should not wake up from sleep and declare state of emergency.

Declaration of state of emergency as a tool of state capturing will lead to illegality and the flagrant abuse of the constitution. Also, the people will lose confidence in the judiciary.

Conclusion

The politics of state of emergency as instrument of state capture has devastating impact on the image and politics of Nigeria. Nigerian democracy was achieved with blood and pains after protracted military regimes that was brutal to the Nigerian population. Civilian administration which is legitimate and recognized by the constitution must be guarded with all amount of civility and regard for the constitution and the fundamental human right of Nigerians.

Democracy should be that the people must be heard and not silent using the machineries of government. The President should not use the declaration of the state of emergency to capture state to do his bidding when the judiciary and state House of Assembly are still standing. Democracy is being threatened and raped in Nigeria with the flagrant abuse of the constitution. The declaration of state of emergency should be for the good of the people and not to capture state.

Recommendations

The following recommendations are made to further strengthen Nigeria's democracy to avoid abuse of the constitution, sensibilities of Nigeria and respect for the machineries of government.

The president and other elected political office holders should have high regards for the constitution of the Federal Republic of Nigeria. Regards for the constitution of Nigeria will protect all democratic structures including the judiciary.

Democratic institutions like the National Assembly, State Houses of Assemblies and Judiciary should maintain the tenets for their establishments in order to check the excesses of the executive arm of government. Not checking the excesses of the executive prompted the President to declare state of emergency in Rivers State without the consent of the National Assembly. This will strengthen the activities of opposition political parties to check the government and to avoid the enthronement of one party state in Nigeria.

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