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Federalism on Trial: Examining State of Emergency Declaration in Nigeria with Reference to Rivers State

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Abstract

The article rigorously examines the scope of emergency powers under Nigeria's federal system, adopting the 2025 state of emergency in Rivers State as a case study. It is based on the idea that Section 305 of the 1999 Constitution, initially intended to protect national security, has transformed into a political tool that compromises state authority. The study contends that recurrent federal interventions via emergency declarations signify a shift from cooperative to authoritarian federalism. The article employs a qualitative case study technique, backed by documentary content analysis of constitutional provisions, public declarations, legal opinions, and academic literature. It is conceptually anchored in Classical, Dual, and Coercive Federalism theories, which offer the analytical framework for comprehending federal–state power dynamics. The article finds that the Rivers State intervention exemplifies a pattern of constitutional overreach that threatens democratic accountability and subnational autonomy. The report advocates for constitutional reform, judicial monitoring, and institutional defence as essential measures to maintain the integrity of Nigerian federalism.

Keywords: *Federalism, State of Emergency, Rivers State, Constitutional Crisis, Democratic Governance*

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Background to the Study

Nigeria's federal system, as embedded in the 1999 Constitution, has long intrigued me; it represents what I see as an ambitious attempt to manage the country's remarkable diversity, yet it also serves as a persistent source of tension between the central government and the states. Suberu (2001) characterizes this structure as a deliberate strategy to accommodate Nigeria's complex ethnic and political landscape. On paper, the vision is commendable—a federation where thirty-six states oversee local governance, while the federal government remains responsible for defence, monetary policy, and foreign affairs (Ayoade, 2015). However, reflecting on Nigeria's recent political developments, I find myself questioning whether this constitutional balance truly materializes in practice. Scholars like Ezeani (2018) have argued that, in reality, the federal government often asserts dominance, especially in critical areas such as security and revenue allocation, thereby undermining genuine state autonomy. My own observations echo these concerns, as it seems that the ideals of federalism are frequently compromised by central interventions. While the constitutional framework as described by Suberu (2001) and Ayoade (2015) provides a theoretical blueprint for shared governance, the practical experience, as analyzed by Ezeani (2018), reveals a system where state autonomy remains precarious.

The tension between federal and state authority becomes especially pronounced in the context of Section 305 of the 1999 Constitution, which grants the President the power to declare a state of emergency. Ozekhome (2013) describes this provision as a constitutional safeguard, ostensibly intended for truly exceptional crises such as war, insurgency, or natural disasters. However, I find myself increasingly uneasy about the potential for these extraordinary powers to be invoked with relative ease, raising questions about whether such actions consistently align with the underlying principles of federalism and democracy.

Recent developments in Rivers State have only intensified these concerns for me. On March 18, 2025, President Bola Tinubu declared a state of emergency, citing escalating political instability and acts of economic sabotage, including pipeline vandalism (Adeola Oyinlade & Co., 2025). From my perspective, this move appeared less as a justified response to crisis and more as a troubling demonstration of federal overreach. The wholesale suspension of the governor, deputy governor, and entire state legislature—replaced by a federally appointed administrator—struck me as an excessive intervention. This sentiment was widely shared by civil society organizations and the Nigerian Bar Association, both of which condemned the action as unconstitutional and cautioned against the dangerous precedent it might set for future federal involvement in state governance (Falana, 2024; Legal Defence and Assistance Project, 2024).

Given these developments, there is a pressing need to critically examine the practical implications of Nigeria's federal structure, particularly regarding the exercise of emergency powers. The recent events in Rivers State vividly underscore the fragile nature of state autonomy and bring to the forefront the risks associated with unchecked federal intervention. Against this backdrop, this article—"Federalism on Trial: Examining State of Emergency Declaration in Nigeria with Reference to Rivers State"—seeks to evaluate whether the

constitutional safeguards designed to balance authority between the federal government and the states are truly effective in upholding democratic federalism. By analyzing relevant legal provisions, recent case studies, and the perspectives of key stakeholders, this article aims to clarify to what extent Nigeria's federal system realizes its intended objectives and to assess the broader consequences for governance and d

Statement of the Problem

In Nigeria, the invocation of emergency powers under Section 305 of the 1999 Constitution has sparked significant debate and concern. Critics argue that these powers undermine the autonomy that should be afforded to the country's various states. Originally designed to address severe threats like war, civil unrest, or natural disasters, the way these emergency provisions are currently being used often sidesteps the necessary constitutional processes and democratic norms (Ibe, 2024). While Section 305 does give the President conditional emergency powers, it does not grant the authority to unilaterally suspend elected officials like governors or state legislatures (Okonkwo, 2025).

A recent example is the emergency declaration in Rivers State in 2025, which highlights a troubling conflict between national security and political maneuvering. In a dramatic move, President Tinubu suspended the Governor, Deputy Governor, and the entire State House of Assembly, claiming it was necessary to address issues such as pipeline vandalism and a political crisis. However, many observers argue that this oversteps constitutional limits, suggesting that emergency powers were used more for political advantage than for managing a genuine crisis (Reuters, 2025).

Experts point out that the Constitution actually stipulates that officials should be removed through impeachment or recall processes—ensuring that there are checks on power (Mbah, 2023). This seminar seeks to examine whether these emergency declarations align with constitutional principles or if they signify a deeper erosion of federalism in Nigeria. Is the case in Rivers State indicative of a larger trend toward excessive central control over state matters? How can the country maintain democratic governance when there's a risk of federal powers being applied without accountability or transparency? We aim to investigate whether the application of these emergency powers stayed within legal boundaries or whether they set a troubling precedent that could jeopardize the very federal structure that underpins Nigeria's democracy.

Research Objectives

1. To examine the constitutional framework for declaring a state of emergency in Nigeria.
2. To assess the political and legal justifications for the 2025 emergency in Rivers State.
3. To analyse the implications of emergency rule on federal-state relations in Nigeria.
4. To recommend strategies for strengthening federalism while maintaining national stability.

Research Questions

i. What are the constitutional provisions governing the declaration of a state of emergency in Nigeria?
ii. What political and legal factors justified the 2025 state of emergency in Rivers State?
iii. How has the emergency rule in Rivers State affected federal-state relations in Nigeria?
iv. What strategies can be implemented to strengthen Nigerian federalism without compromising national stability?

Theoretical Framework

This research draws on three major federalism theories to analyze the tensions revealed in Nigeria's 2025 Rivers State emergency: Classical Federalism, Dual Federalism, and Coercive Federalism.

Classical Federalism

Classical Federalism, as conceptualized by K.C. Wheare in 1967, asserts that authentic federalism demands a constitutional division of powers in which both the federal and state governments operate independently within their respective spheres of influence. Wheare argued that neither level of government should be subordinate to the other, and each must possess the authority to function autonomously. Although Nigeria's 1999 Constitution outlines this federal arrangement by assigning specific responsibilities to both tiers of government, practical application often deviates from this ideal. The 2025 emergency declaration in Rivers State, for instance, involved the federal government suspending elected state officials and imposing a centrally appointed administrator—actions that bypassed legislative and impeachment mechanisms. Such interventions challenge the foundational principles of classical federalism by eroding state autonomy and consolidating power at the center (Peterside, 2025).

Dual Federalism

Dual Federalism, commonly described as "layer-cake federalism," was conceptualized in the mid-20th century to reflect a structure in which federal and state governments operate within clearly defined, separate spheres of influence. Morton Grodzins (1960) popularized this idea, emphasizing that each level of government should function independently, with minimal interference or overlap. This model aims to preserve state autonomy by ensuring that responsibilities—such as education, healthcare, or policing—are allocated and respected across government levels. In theory, Nigeria's federal constitution supports such an arrangement by specifying exclusive, concurrent, and residual powers. However, the emergency declaration in Rivers State starkly contradicted this framework. The federal government's suspension of elected officials and imposition of an interim administrator effectively collapsed the distinct institutional boundaries envisioned by dual federalism. Rather than respecting state jurisdiction, the central government exercised direct control over both executive and legislative state organs, raising concerns about systemic encroachment and the weakening of constitutional federalism (Ezeani, 2018).

Coercive Federalism

Coercive Federalism describes a governance model where the central government dominates national policy-making and enforces compliance from subnational units, often with little or no input from state authorities. This framework is marked by unilateral federal interventions that override local autonomy in the name of national interest or security. In Nigeria, such tendencies become prominent during the declaration of emergencies, where constitutional checks are bypassed and federal authority becomes overwhelming. The 2025 emergency in Rivers State exemplifies this model: the federal government suspended elected officials, neglected constitutional impeachment processes, and imposed a military-supported federal administrator. These actions sidelined cooperative mechanisms and underscored a federal preference for control rather than collaboration, thereby weakening the principles of shared governance and accountability (Arowolo, 2024).

The situation in Rivers State serves as a clear example of the conflicts in Nigeria's federal system. At its core, Classical Federalism emphasizes the importance of adhering to constitutional boundaries and respecting elected officials, a principle that was disregarded when authority was suspended. Dual Federalism highlights the need for distinct roles between state and federal institutions, which was ignored during the federal takeover in Rivers. Meanwhile, Coercive Federalism reveals how the use of emergency powers can lead to a concentration of authority, undermining state self-governance and democratic principles. This research sheds light on how the emergency rule in Rivers State functioned more as an imposition of central power rather than a constitutional solution, raising significant alarm about the overall state of federalism in Nigeria.

Literature Review / Gap in the Literature

Discussions on Nigerian federalism have historically focused on fundamental issues such as revenue distribution, ethnic balancing, and constitutional ambiguities (Ajogwu, 2024). These foundational concerns have shaped scholarly debates about how power is shared and exercised in a heterogeneous society. However, the federal government's use of emergency powers in the 2025 Rivers State crisis has introduced a new dimension to this conversation—raising deeper questions about institutional accountability, democratic erosion, and federal-state dynamics under stress.

Ajie (2022) offers a legal lens, examining the constitutional framework under Section 305 of the 1999 Constitution. He argues that the use of emergency powers is justifiable only in extreme cases of disorder and must follow legal procedures. While Ajie effectively outlines the criteria for invoking emergency rule, he does not explore the aftermath of such interventions—particularly how they distort democratic institutions and potentially weaken local political structures. The suspension of elected officials in Rivers State, done without a judicial process or impeachment proceedings, exemplifies a scenario where legality is used to sidestep democratic norms.

In a different vein, Akinboro (2025) critiques the overarching dominance of the federal government, noting that constitutional provisions like Section 4 place states in a structurally

inferior position. His work provides a compelling overview of central-state power relations, but it lacks attention to how emergency declarations magnify these disparities. Specifically, it does not address how such powers override state-level autonomy and governance frameworks, thereby weakening trust in decentralized democratic processes.

Ugo-Ngadi (2025) focuses more narrowly on the political implications of the Rivers State emergency. He asserts that the federal government's action was a calculated political move aimed at destabilizing a state led by the opposition. While his perspective reflects public sentiment and critiques of federal overreach, it does not provide a systemic analysis of how emergency interventions impact subnational democratic culture or institutional capacity, such as the operations of local legislatures or judiciaries.

Despite these contributions, important gaps remain in the literature. First, there is little research on the long-term institutional damage that emergency rule can inflict on state governance. Most authors stop at legality or political motives without assessing the effect on democratic resilience and administrative continuity. Second, few studies critically examine the credibility of electoral processes following such interventions. The non-electoral removal of officials, as in Rivers State, undermines the principle of democratic representation and may discourage civic participation. Finally, governance quality during emergencies remains largely unexamined. Emergency administrators often operate without electoral legitimacy or local checks, leading to opaque and unaccountable governance (Ozekhome, 2013).

These gaps highlight the need for expanded research on how emergency declarations affect Nigeria's federal arrangement—not just in terms of legality or politics, but in terms of institutional survival, public trust, and the sustainability of democratic norms. As federal interventions become more frequent, it is imperative to ask: what is the cumulative impact on state autonomy and democratic deepening?

These gaps make it clear that the academic emphasis needs to change from merely discussing the necessity or constitutionality of emergency powers to comprehending their real-world applications. In addition to being a unique political incident, the Rivers State emergency should be seen as a sign of more serious structural flaws in Nigeria's federal system. This examination leads one to believe that emergency declarations are increasingly commonplace tools of federal power, used to stifle dissent or seize politically vulnerable states. The fundamental tenets of Nigerian federalism—autonomous subnational government, which is necessary for any federation to function—are in danger of being undermined by this normalization.

Methodology

This study adopts a qualitative case study design, focusing on the 2025 state of emergency in Rivers State. A case study is suitable for in-depth exploration of a single, complex event within its real-life context (Yin, 2018). It allows for a focused analysis of how constitutional emergency powers interact with federalism, particularly in politically sensitive situations like the Rivers State crisis.

To gather relevant data, the study employed documentary content analysis as both the instrument of data collection and the method of analysis. Documents reviewed included the 1999 Constitution of Nigeria, official statements from the Presidency and National Assembly, judicial submissions, legal opinions, and media reports from credible sources such as Premium Times, Reuters, The Punch, and The Guardian Nigeria. These documents were selected for their relevance and credibility in addressing legal and political dimensions of emergency governance.

Data was analyzed through qualitative content analysis, which involved identifying recurring themes such as constitutional interpretation, democratic disruption, and federal overreach. This method enabled a nuanced understanding of how emergency declarations affect federal-state relations, electoral legitimacy, and institutional autonomy. The case study and content analysis approach provide a holistic framework to evaluate the implications of emergency powers in Nigeria's federal system, making the methodology appropriate and contextually grounded.

Discussion

Constitutional framework for declaring a state of emergency in Nigeria.

Section 305 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) gives the President the authority to declare a state of emergency when there is a real or imminent breakdown of public order, war, natural disaster, or any emergency that could undermine national stability (FRN, 1999). This legal framework has been invoked several times in Nigeria's history, such as in Plateau State in 2004 due to ethno-religious violence, in Ekiti State in 2006 following a political crisis, and in Adamawa, Borno, and Yobe States in 2013 at the height of the Boko Haram insurgency.

Okonkwo (2025) recorded that recently, President Bola Ahmed Tinubu declared a state of emergency in Rivers State on March 18, 2025, citing political stagnation, legislative paralysis, and attacks on oil pipelines as major threats to national security and economic stability. While the federal government argued that these conditions justified the suspension of normal governance, legal experts and civil society groups raised concerns about whether the situation truly met the constitutional threshold of an "actual breakdown of public order and public safety." Odeyemi (2025) asserted that the conflict was fundamentally a political disagreement that ought to have been resolved through established legal or legislative channels, rather than through the invocation of emergency rule.

The process by which the National Assembly ratified the emergency proclamation also came under criticism. The Nigerian Bar Association (NBA) argued that using a voice vote instead of a recorded roll-call vote undermined transparency and accountability, which are crucial in such significant constitutional matters. For example, in previous cases of national importance—such as constitutional amendments or impeachment proceedings—recorded roll-call votes have been used to ensure that each legislator's position is publicly documented and subject to scrutiny (Law & Society Watch, 2025).

Public opinion on the federal intervention remains sharply divided. While some people argue that the move was necessary to restore stability in one of Nigeria's most important oil-producing states, others worry that it represents an overreach by the central government and undermines the principles of federalism on which Nigeria was founded. Wheare (1967) points out that suspending state institutions in this way effectively shifts power from the states to the federal government, which goes against the very idea of federalism. With the matter now before the Supreme Court, it is crucial for the court to provide clear guidance on the scope and limits of emergency powers in order to strengthen Nigeria's democracy and clarify the balance between central and state authority.

The Political and Legal Issues Surrounding the 2025 Rivers State Emergency

Federal officials stated that the 2025 state of emergency in Rivers State was necessary due to political and legal reasons (Ozoemena, 2025). They explained that the conflict between Governor Siminalayi Fubara and the Rivers State House of Assembly, largely loyal to former governor Nyesom Wike, resulted in a governmental impasse, threatening both the state's economy and national interests. In a report by Reuters, President Bola Tinubu invoked Section 305 of the 1999 Constitution to declare a state of emergency in Rivers State, leading to the suspension of Governor Siminalayi Fubara, his deputy, and all members of the State House of Assembly. Vice Admiral Ibok-Ete Ibas (Rtd.) was appointed as the sole administrator to oversee the state's affairs during this period. The presidency defended its decision, describing the situation as a "clear and present danger" to public order and justifying the use of emergency powers. However, many constitutional lawyers, such as Oyebode (2025), argued that the crisis did not meet the stringent requirements for a state of emergency, suggesting that existing democratic processes—including party reconciliation, judicial review, and legislative mediation—were sufficient to address the issue.

Politically, the move was seen as an example of coercive federalism (Arowolo, 2024), where the central government exerts control over smaller units of government in the name of national stability. The boundaries between national governance and party politics became increasingly blurred, particularly given Rivers State's strategic importance to Nigeria's oil economy and its opposition-led government. Analysts from the Pan Niger Delta Forum (PANDEF) and the Nigeria Civil Society Situation Room argued that the intervention served to sideline dissenting political groups and further consolidate executive power. PANDEF described the emergency rule as a premeditated power grab disguised as a security measure, while the Situation Room condemned it as unconstitutional overreach that undermined democratic governance. A live case scenario illustrating this dynamic can be found in the 2006 state of emergency declared in Ekiti State, Nigeria. Then-President Olusegun Obasanjo suspended the elected governor and legislature following political crises and allegations of constitutional breaches, installing an administrator to govern temporarily. While the federal government justified its actions as necessary to restore order, critics contended that the intervention undermined democratic accountability and eroded subnational autonomy, much like the current situation in Rivers State (Adebanwi & Obadare, 2010).

Thus, the federal justification appears contradictory—employing constitutional powers to restore order while simultaneously undermining democratic principles and the autonomy of state governments. This selective use of emergency provisions risks transforming constitutional safeguards into instruments of political control, rather than tools for public safety

Emergency Rule in Rivers State: Examining Federal–State Relations in Nigeria

Okonkwo (2025) describes the proclamation of a state of emergency in Rivers State on March 18, 2025, as a watershed moment in Nigeria's federal structure. The federal government exercised direct control over a subnational entity by suspending the democratically elected Governor, Deputy Governor, and members of the State House of Assembly, and by appointing Vice Admiral Ibok-Ete Ibas (Rtd.) as a centrally chosen temporary administrator. This action, undertaken without the agreement of state institutions or the judiciary, represented a substantial violation of constitutionally protected state autonomy.

According to Arowolo (2024), Nigeria's federal constitution grants states significant autonomy, particularly in the areas of budgeting, local security, and legislative oversight. The intervention in Rivers State, however, represented a marked departure from this principle, signaling a shift toward coercive federalism in which federal authority takes precedence over state sovereignty during national emergencies. While Section 305 of the 1999 Constitution establishes the legal framework for declaring a state of emergency, Arowolo contends that its recent application exceeded its intended scope and led to an increased centralization of power within the federal government. Nwankwo (2025) reports that this federal overreach has provoked both constitutional and political concerns. Legal experts argue that the federal government's actions conflicted with Sections 4 and 5 of the Constitution, which define the legislative and executive powers of both the federation and the states. In response, a coalition of opposition governors filed a suit in the Supreme Court, claiming that the intervention undermined democratic accountability and reinterpreted federalism to favor executive authority. Their legal argument seeks to reaffirm the fundamental boundaries of Nigeria's federal system and restore balance in center-state relations.

Ibe (2025) asserts that, beyond constitutional issues, the Rivers State emergency significantly damaged institutional credibility. The suspension of legislative independence directly undermined the voices of residents and disregarded their electoral mandate. Civil society organizations expressed concern that this action set a dangerous precedent, suggesting that any subnational government deemed politically inconvenient could be silenced under a broadly interpreted emergency clause. For opposition-led states, the symbolic message was especially stark: electoral success could be rendered meaningless if the federal administration chooses to intervene. Politically, Ibe contends that the emergency declaration introduced uncertainty into Nigeria's multiparty democracy. The intervention demonstrated that the federal government could potentially override legitimate subnational mandates under the pretext of restoring order—a practice that fundamentally contradicts the core principle of federalism, which aims to balance centralized authority by distributing power across various levels of government. Without increased judicial scrutiny and more robust legislative

safeguards, there is a growing risk that the central government's discretionary use of emergency powers could evolve into a tool for political subjugation.

Consequently, the Rivers State emergency is widely regarded as a watershed moment in Nigeria's federal history. It exemplifies how constitutional mechanisms, if unchecked, can be manipulated to weaken decentralized governance. The incident exposes an underlying tendency toward centralization and prompts urgent reflection on the resilience and future trajectory of Nigeria's federal democracy.

Strengthening Nigerian Federalism Without Compromising National Stability

The 2025 emergency declaration in Rivers State exposed not only the fragility of Nigeria's democratic institutions but also the ease with which executive authority can override subnational autonomy under the guise of national security. If Nigeria's federal structure is to endure, urgent reforms are required to address the ambiguities and loopholes that allow emergency powers to be politicized. A sustainable strategy must harmonize national stability with constitutional fidelity and intergovernmental respect.

Foremost among the reforms is the amendment of Section 305 of the 1999 Constitution. The current provision is imprecise and susceptible to discretionary abuse. To safeguard against arbitrary declarations, the Constitution must be revised to include clearly defined thresholds, such as demonstrable threat to life, confirmed institutional paralysis, or widespread insurrection. Legal scholars advocate for judicial pre-clearance, whereby any proclamation of emergency must first receive approval from a federal court to confirm that the conditions meet constitutional criteria (Okafor, 2024). Such judicial oversight would introduce a layer of constitutional accountability and reduce the potential for political manipulation.

Equally important is the role of the National Assembly. Emergency declarations should not be validated through opaque voice votes. Instead, the Constitution should mandate recorded roll-call votes, publicly accessible and transparently documented. This reform would reinforce legislative oversight and ensure that elected representatives are held accountable for decisions that temporarily override democratic governance (Ibe, 2025).

To reduce dependence on federal intervention, Nigeria must strengthen state capacity to resolve internal disputes. This includes professionalizing the civil service, improving judicial independence at the state level, and establishing institutional mechanisms for intra-state conflict resolution. States should also be empowered to manage localized security through community-based or regional policing frameworks, subject to federal regulation but free from excessive interference.

A forward-thinking proposal is the establishment of a Federal–State Conflict Resolution Commission, enshrined in the Constitution and independent of partisan control. This commission would serve as a neutral forum to mediate executive-legislative disputes at the state level, enabling dialogue-driven solutions before crises escalate into federal interventions (Nwosu, 2025). Such an institution would shift the approach from reactionary intervention to proactive intergovernmental cooperation.

Collectively, these recommendations form a comprehensive blueprint for strengthening Nigeria's federal system without sacrificing national stability. Constitutional clarity, judicial oversight, legislative transparency, state-level capacity, and independent mediation are all pillars of a resilient federation. They provide legal and institutional guardrails that prevent the misuse of emergency powers while enhancing the system's responsiveness to genuine crises.
In the aftermath of the Rivers State intervention, these reforms are not merely theoretical—they are imperative. Without structural safeguards, Nigeria's federalism risks erosion under executive overreach. But with deliberate, enforceable reforms, the country can achieve a functional balance where unity and diversity coexist under the rule of law.

Strengthening Separation of Powers to Avoid the Overbearance of the Executive Arm in Nigeria

At the heart of every true democracy lies the principle of separation of powers—a system designed to ensure that no single branch of government becomes too powerful. In theory, Nigeria's Constitution embraces this doctrine by assigning distinct roles to the legislature, executive, and judiciary. Yet in practice, especially during times of political tension or national emergencies, the executive arm often overshadows the others, making decisions with limited oversight or accountability (Fatai, 2020).

This trend becomes especially troubling when emergency powers are involved. As seen in the 2025 Rivers State intervention, the executive can make sweeping decisions that affect millions without proper checks from the legislature or the courts. Such actions not only disrupt the balance of power but also erode public trust in the democratic process. Citizens begin to question whether the system truly works for them—or just serves those at the top.

To restore confidence and fairness in governance, Nigeria must breathe new life into the institutions meant to keep the executive in check. The National Assembly needs to be more than a rubber stamp; it should function as a robust guardian of democracy. This means voting on critical issues like emergency declarations through transparent, recorded roll calls, not vague voice votes. Open debates and independent inquiries should become standard practice, not rare exceptions.

The judiciary, too, has a vital role. Courts should feel empowered to question executive actions, especially when they appear to sidestep constitutional guidelines. But this can only happen if the judiciary is truly independent—free from political interference, adequately funded, and supported by fair and merit-based appointments (Okeke, 2021). At the end of the day, building a stronger democracy in Nigeria comes down to making sure each arm of government—legislative, executive, and judiciary—knows its place and respects the others. When each one carries out its responsibilities with honesty and without overstepping, everyone gains. Ordinary people feel seen and heard. Laws are applied fairly, and those in power become more accountable to the people they serve. Strengthening the separation of powers isn't just a lofty idea written in the Constitution—it's a real, down-to-earth solution for building a Nigeria where justice works, leaders are answerable, and citizens can truly trust their government.

Conclusion

The declaration of a state of emergency in Rivers State in 2025 marks a significant turning point in the development of Nigerian federalism. While Section 305 of the 1999 Constitution allows the federal government to take action to maintain national order and security, the situation in Rivers highlights how this constitutional provision can be interpreted and applied in ways that may undermine democratic values and threaten state autonomy. The replacement of elected officials with a federally appointed administrator, without widespread violence or insurrection, demonstrates the increasing tension between central authority and state rights. This development represents a shift from cooperative to coercive federalism, where political and security justifications are used to centralize power. The intervention raises valid concerns about the integrity of the constitution, political neutrality, and the future of democratic governance at the state level.

The recent approval of the emergency declaration by the National Assembly through a voice vote has raised concerns about public trust in its legitimacy due to the lack of transparency. This situation in Rivers State highlights a deeper issue within Nigeria's federal system, underscoring the need to balance effective responses during genuine crises with maintaining democratic accountability. For federalism to thrive in Nigeria, reforms are necessary to establish clear legal limits on emergency powers and strengthen state institutions, ensuring that both levels of government can operate effectively without undermining citizens' democratic rights.

Recommendations

1. **Constitutional Reform of Section 305**: There is an urgent need to amend Section 305 of the 1999 Constitution to clearly define the scope and conditions under which a state of emergency can be declared. This amendment should include mandatory pre-proclamation judicial review to ensure constitutional thresholds are met.
2. **Transparent Legislative Oversight**: The National Assembly should be compelled to use roll-call voting, not voice votes, when approving emergency declarations. This ensures transparency, accountability, and public trust in legislative processes.
3. **Strengthen State Institutional Capacities**: States must be empowered to handle internal disputes through investment in conflict resolution mechanisms, enhanced local security structures, and the professionalization of governance systems to reduce dependency on federal intervention.
4. **Establish an Independent Federal–State Mediation Commission**: A constitutionally recognized, independent body should be created to mediate political and administrative disputes between federal and state governments. Such a body would offer a preventive rather than reactive solution to escalating tensions.
5. **Promote Political Dialogue Over Coercion**: The federal government should prioritize political dialogue and reconciliation in resolving intra-state conflicts, particularly those arising from intra-party divisions, rather than resorting to constitutional instruments designed for emergencies.
6. **Civic and Judicial Vigilance**: Civil society, the judiciary, and the Nigerian Bar Association must remain proactive in challenging unconstitutional uses of emergency powers and in defending democratic governance at all levels.

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