GUBERNATORIAL IMPEACHMENT AND ITS IMPLICATIONS FOR DEMOCRACY, PEACE AND SECURITY IN BAYELSA, PLATEAU AND OYO STATES, NIGERIA

BY

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CERTIFICATION

We certify that this work, which has been read and approved as meeting the requirement for the award of the Doctor of Philosophy (PhD) in the Institute for Peace and Strategic Studies, University of Ibadan, was carried out by JOHNSON, Alalibo Sinikiem (Matriculation No. 141660) under our supervisions.

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DEDICATION

This research is dedicated to Almighty God whom I drew grace and strength, my Parents, Late Elder Johnson Abas & Madam Jeanny Somfa, my dear wife Mrs. Douyi Alalibo and my children: Fortune, Ogege, Prince, Great, Goodness, Asuesomo and Enimofe.

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ABSTRACT

Impeachment is a constitutional provision for the removal of certain categories of elected political officials such as President, Vice President, Governors and Deputy Governors for gross misconduct as contained in Section 143 Sub-sections 1-11 and Section 188 Sub-sections 1-11 of Nigeria's 1999 Constitution. Extant studies on impeachment have focused almost exclusively on threats of impeachment, judicial review of impeachment cases and the role of the legislature, while little attention has been paid to its implications for democratic practice, peace and security. This study, therefore, investigated the impeachments of Governors DSP Alamieyeseigha, Joshua Dariye and Rashidi Ladoja of Bayelsa, Plateau and Oyo States, respectively with emphasis on the extent to which the impeachments complied with constitutional provisions. Patterns and processes of their impeachments, legal and political issues triggered by the way in which the impeachments were conducted and the implications for democracy, peace and security in Nigeria.

Boone's Patron-Client and Mosca's Elite Fragmentation theories served as framework. Case study research design was adopted. Primary and secondary data were utilised. Thirty-six in-depth interviews were conducted in Bayelsa, Plateau and Oyo states, using purposive and snowballing sampling techniques to select respondents comprising 13 former legislators, six party leaders, one of the three impeached governors, one constitutional lawyer, seven panel members that investigated allegations of gross misconduct against the governors, three journalists and five stakeholders. Secondary data were derived from books, periodicals, 1999 Constitution, Law Reports and Parliamentary proceedings. Data were content analysed.

The impeachments of the three Governors did not comply with the constitutional provisions, as the required quorum of two-third legislators for impeachment was not fulfilled in all cases. In Bayelsa State, only 15 lawmakers out of 24 conducted the impeachment of Governor DSP Alamieyeseigha. In Plateau State only six legislators out of 24 impeached Governor Joshua Dariye, while only 18 out of 32 lawmakers conducted the impeachment of Governor Rashidi Ladoja of Oyo State. The three states shared similar patterns of the impeachment as political interests of aggrieved patrons and other vested interests played significant roles in instigating these impeachments. The processes of these impeachments were the overt display of federal power using the security operatives as instruments of impeachment. Both Rashidi Ladoja of Oyo State and Joshua Dariye of Plateau State were reinstated by the Supreme Court, while DSP Alamieyeseigha was unable to reclaim his mandate. The impeachments occasioned harassment of state lawmakers by security personnel, loss of life of Mr. Darupale and the destruction of the property of Lam Adesina in Ibadan, burning of Ibrahim Mantu's house and assaults on security operatives in Jos, and the escalation of militancy in the Niger Delta. The impeachments of the three governors were a setback to governance and overall development of the affected states.

The unconstitutional impeachments of DSP Alamieyeseigha, Joshua Dariye and Rashidi Ladoja undermined democracy, peace and security in Nigeria. To avert recurrence of unconstitutional impeachments, there should be strict adherence to the provisions of the constitution.

Keywords: Democracy in Nigeria, Gubernatorial impeachment, Parliamentary proceedings

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Table of Contents

Chapter Five: Summary, Conclusion and Recommendations

CHAPTER ONE

INTRODUCTION

1.1 Background of Study

The re-establishment and reinstatement of democratic structure in 1999 marked the beginning of a new phase in the Nigerian political space. Prior to this, with the exception of the brief period of civilian rule between 1979 and 1983, the Nigerian State was under praetorian rule for close to 29 years beginning from January 1966 when the Nigerian military first ventured into politics (Ojo, 2006). This military intervention which disrupted the British parliamentarian system of government in practice went on till the short-lived Second Republic (1979-1983) during which presidential system of government was adopted. The annulment of the 1993 Presidential Election as well as the subsequent takeover of government by another military regime made the Third Republic even shorter. The Fourth Republic which began in 1999 has, thus far, witnessed the practice of presidential system of government.

One of the distinguishable characteristics evident in the presidential system of government which was adopted by Nigeria from the United States of America in 1979 is the separation of powers and functions among the three organs of government. The doctrine of separation of powers is a cardinal democratic feature in the Nigerian 1999 Constitution. The hypothesis of this doctrine is that the checks and balances derived from this arrangement of powers would guarantee the right environment for good governance, peace and security to thrive and take root in any societies that practice it (Nwabueze, 2007:186). Nwabueze goes further to state that:

> Checks and balances are meant to reconcile the need for a strong executive with participatory and representative democracy. The system rests on an open recognition that particular functions of government belong primarily to a given arm or organ while at the same time super-imposing a power of limited interference by another organ or arm in order to ensure that the former does not exceed its acknowledged functions in an arbitrary and despotic manner (ibid).

The sustainability of presidential system of government therefore, rests on the tradition of separation of powers among the executive, legislative and judicial institution. The legislature is a core and pivotal institution in a democracy. Its basic functions include, law making, control over the power of appropriation and oversight function over the executive for accountability through its regular public hearing. It engenders greater citizen participation and effective representation in governance (Omotola, 2006; Aiyede, 2006; Oni, 2013).

The significance of the legislature in a democracy is further revealed when the role assigned to this arm of government in the Nigerian constitution of 1999 (which is the *grundnorm* of the country) is scrutinized closely. The National and State Assemblies in Section 4, Sub-section 3 and 7 of the constitution are vested with the powers to make laws with the sole aim of ensuring good government through promoting peace and order in the federation. Also, Section 143 and Section 188, Sub-section 1 to 11 make provisions for the removal of the president, vice-president, state governor or deputy governor respectively from office for gross misconduct. Subsumed under the general rubrics of the legislature's role of lawmaking for promoting peace and order and assuring good governance in a democracy is the instrument of impeachment meant to control and punish the excesses of certain category of public officers who violate their oath of office, namely the President, the Vice President, Governors and Deputy Governors (1999 Constitution; Ogunsanwo, 2007; Ibidapo-Obe, 2007).

In advanced democracies, impeachment is a political tool that is hardly enforced, because public officers have imbibed the ethics of their office and the cost of the breach of the code of conduct is often too high a price to bear. In more than two centuries of democracy in the United States, there has only been one successful presidential impeachment, that of President Andrew Johnson in 1868. President Richard Nixon resigned from office owing to the Watergate Scandal which made his impeachment imminent. President Clinton's impeachment proceedings were stalled at the Senate, though the Congress, (an equivalent of the Nigeria's House of Representatives) successfully impeached him on the Monica Lewinsky affair. At the state level in America, a total of eight governors have suffered

impeachment, with the most recent being that of Evan Mecham of the State of Arizona in 1998 (Omotola, 2006; Ologbenla, 2007).

However, the case is different with transitional democracies like Nigeria where the practice of democracy is governed by the self-seeking and particularistic interests of the governing elite. In such dispensations, the instrument of impeachment tends to become a weapon for political vendetta or a tool for punishing perceived opponents. Given the broad and open-ended interpretation of the phrase "gross misconduct" in the constitution, it is possible that the impeachment of political office holders is often driven by selfish interests other than an adherence to constitutional stipulations.

The number of impeachments and threats of impeachments that have occurred since the country returned to democracy in 1999 are testaments to this fact. It is however imperative to state that impeachment of the executive head of an administration is not a strange phenomenon even in pre-colonial African societies. For instance, in the Oyo Kingdom, any Alaafin (King) that lost the confidence of the Oyo Mesi (council of chiefs and representatives of the people) was asked to 'open the calabash', a euphemism that he should commit suicide (Ibidapo-Obe, 2007). Impeachment attempts against Samuel Ladoke Akintola, the Premier of defunct Western Region in Nigeria's First Republic, led to disturbances in parliament and declaration of a state of emergency in the region by the central government. The ripple effects of the impeachment attempts against Akintola culminated in the January 15th coup of 1966 (Osaghae, 2015; Tamuno, 1991).

In the Second Republic (1979-1983), the governor of Kaduna state, Balarabe Musa, who belonged to the Peoples Redemption Party (PRP) was the only state governor removed from office. He was impeached by a legislature that was under the dominance and control of an opposition party, the National Party of Nigeria (NPN). Since Nigeria returned to democratic rule in 1999 which marked the beginning of the Fourth Republic, six state governors were impeached between 2005 and 2014. The first governor to suffer the punishment of impeachment in this dispensation was Diepreye Solomon Peter (DSP) Alamieyeseigha of

Bayelsa State. He was removed from office on the 9th of December 2005 following allegations of corruption and money laundering. Other governors who suffered a similar fate include Rashidi Ladoja of Oyo State on 12 January, 2006; Ayo Fayose of Ekiti State on 6 October, 2006; Peter Obi of Anambra State on 2 November, 2006; Joshua Dariye of Plateau State on 13 November, 2006 and Muritala Nyako of Adamawa State on 15 July, 2014. While the governors of Oyo, Plateau and Anambra States were restored to office by judicial interventions, others did not enjoy the benefit of returning to office (Ologbenla, 2007; Olurode, 2007; Omotola, 2013; Oni, 2013; Nwanegbo, 2013; Adetoye, 2013). The geo-political distribution shows that Diepreye Solomon Peter Alamieyeseigha (DSP) was from the South-South, Peter Obi from the South-East, Rasheed Ladoja and Peter Ayodele Fayose from the South-West, Chief Joshua Chibi dariye from the North Central and Muritala Nyako from the North-East.

The gale of impeachment witnessed in the polity of Nigeria since the return to civil rule in 1999 spread across all the geo-political zones except the North-West where threats of impeachment were not followed through to implementation. Politics is, by its inherent nature, conflict-ridden. It has a binary and contrasting potential to be a mechanism for conflict transformation mechanism or to escalate the conflict into widespread violence. One area where these contradictory potentials of politics have been manifest since 2005 is in the process of implementing the constitutional provision of impeachment. The climate of siege and devastating socio-political uncertainty that envelops the polity during any impeachment attempt on a public officer of the rank of governor not only undermines economic activity but equally threatens the whole democratic edifice. The confrontational approach to the management of the pre, during and post impeachment controversies by the political actors has resulted in a situation where impeachment is perceived purely as power play by feuding elite and not as a punitive measure to enhance good governance. In each of the impeachment episodes, there were protests and counter protests by supporters of the feuding camps which invariably culminated in fisticuffs, destruction of properties and loss of lives. Businesses were affected and some career officers who were caught in the web of intrigues were victimized, framed up, punished or dismissed.

Ordinarily, this subject matter should be treated within the realm of political science (i.e, authoritative allocation of resources and arrangement of arms of government), instead of in the field of Peace and Strategic Studies (PSS). This is understandable as the issues of democracy and impeachment are components of Political Science (PS). Nevertheless, the consequences and implications of the impeachment exercises in the three states went beyond politics as the exercise led to civil disturbance that threatened the security and stability of, not only the three states, but Nigeria. It, for example, escalated militancy in the Niger Delta region where DSP Alamieiyeseigha came from; and it brought down the production of crude oil from 1.2 million barrels per (mbpd) to 0.5 mbpd. This adversely affected the country's revenue that literally depends on crude oil. Going forward, it also led to balkanization, and none of states have successfully overcome it. Thus, the subject tilts towards issues of PSS, and its weakening effects on governance and institutions of government in Nigeria. This study therefore seeks to interrogate the implications of the impeachment of the governors of the three states, Bayelsa, Oyo and Plateau with regard to the peace and security of the country.

1.2 Statement of the Problem

The constitutional function assigned to the legislature is at the heart of representative democracy and is what differentiates the democratic system from other forms of government. One of such key constitutional provisions is the impeachment device, inserted in the constitution to remove public officers who abuse their oath of office. Extant studies on the role of the legislature in the democracy of Nigeria have focused attention almost exclusively on legislature-executive relationships and the significance of the legislative branch in the presidential system (Aiyede, 2006; Bassey, 2013; Omotola, 2006). Some others discuss the nature of the gladiatorial contest for supremacy and control especially during oversight duties and budget defence (Yagboyaju, 2013). Other aspects of the literature discuss the legislature in terms of their contribution to democracy and development (Ogunsanwo, 2006; Ibidapo-Obe, 2006; Nwabueze, 2007).

Specific studies on impeachments especially at the state level have focused almost exclusively on the modalities of the impeachments and the judicial reviews that reversed some of them (Ogunsanwo, 2006; Ibidapo-Obe, 2006; Ologbenla, 2006; Oni, 2013; Nwanegbo, 2013; Gwarzo, 2013; Adetoye, 2013; Lafenwa, 2013). However, the literature shows that there is little attention paid to its implications for democratic practice, peace and security occasioned by the impeachment of governors. This study therefore, investigated the impeachment of Governors DSP Alamieyeseigha of Bayelsa, Rashidi Ladoja of Oyo and Joshua Dariye of Plateau States, patterns the implementation of the impeachment took, the non-legal approaches used and the varying outcomes of the process. The many unintended consequences such as the social upheavals that accompany the impeachment of governors may have grave implications for democracy, peace and security of the country.

This is important because Nigeria is a federation of thirty-six states, each with populations, economic profiles, and a large cast of sub-national politicians who play important roles in shaping the country's overall stability and prosperity. The political dynamics at the state level is therefore crucial to the democratic future of the country. The country against many negative predictions impending political violence witnessed a peaceful transfer of powers between two political parties in the 2015 general election, thereby fulfilling one of the criteria for democratic consolidation. This milestone however, does not suggest that challenges and pitfalls associated with the country's democracy have been surmounted. Managing the fallout from the application of the corrective instrument of impeachment is crucial to the deepening of democracy and the overall security and democratic wellbeing of the country. This is the gap this study intends to fill.

1.3 Research Questions

1 To what extent did the impeachment of governors of Bayelsa, Oyo and Plateau States comply with the provisions of the 1999 Constitution?
2. What were the processes and patterns of the impeachment of governors in the three states?

3. What were the legal and unconventional approaches to the management of the impeachment in the states?
4. How did the processes and patterns of implementation of the impeachment of the governors in the three states affect democracy, peace and security of the states and Nigeria?

1.4 Aim and Objectives

The general aim of the research is to investigate the implications of impeachment in the selected states in Nigeria for democracy, peace and security in Nigeria. The objectives are to:

1 Analyse the extent to which impeachment of governors in the three selected states complied with the 1999 Constitution.
2 Examine the processes and patterns of impeachment in the three selected states.
3 Investigate the legal and unconventional approaches in the management of these impeachment.
4 Examine the implications of these impeachment for democracy, peace and security.

1.5 Significance of Study

This study seeks to contribute to the deepening of the understanding of the role of the legislature in a democracy especially as it relates to the theory and practice of impeachment. The study also seeks to add to the body of literature on the intricate and complex constitutional relationship that governs the functioning of the three arms of government in a democracy.

The study will also be of immense benefit to politically active Nigerians—politicians, elected and appointed public officials and other stakeholders—who will gain unique insight into the theoretical and practical experience of this government model. The study will also make recommendations which will enhance the peace, security and democracy of the country. This is important because the exercise of the instrument of impeachment in the country has undermined the security in the states with the potential to threaten the entire democratic edifice.

1.6 Scope of the Study

This study primarily focuses on the legislative impeachment activities in Nigeria and the implications of their management for democracy, peace and security in the fourth republic. This period coincides with the time in which the cases of impeachments occurred in the selected states. The selected states are Bayelsa, Plateau and Oyo.

1.7 Operational Definition of Terms

Democracy as applied in this research refers to a form of government, where there is a guarantee of basic personal and political rights and where powers are derived from constitutional provisions and governance is done in accordance with the stipulated rules and processes.

Legislature is the branch that is comprised of representatives charged with responsibilities of making laws and performing other functions given to it by the constitution for good governance, peace, security and development of the country or state.

Governor is the head of a state's executive body; he is voted into power by the state's electorate for a specified period of time to run the affairs of the State. The holder of the office of governor has his powers and duties stated in the constitution.

Impeachment refers to the process by which certain public officeholder could be removed from office having been officially alleged and found culpable for an offence. It is a legislative act of demanding the eviction of officeholders in the rank of President, Vice President, a Governor or Deputy Governor from their offices through the presentation of a written charge of the official's allegation.

Peace in the context of this study is defined as a state of governmental harmony necessary for security and development.

Security in its basic sense means freedom from, and protection against extremely dangerous threats that endangers the core values of a society or nation. It also refers as the safety of an individual, society, institution, region, nation or even the world.

CHAPTER TWO
LITERATURE REVIEW AND THEORETICAL FRAMEWORK

This chapter interrogates the literature and discourse of impeachment under some thematic schemes covering, the place and functions of legislature in a democracy, separation of powers, executive-legislative relations, and the processes and politics of impeachments in Nigeria. It also discusses the theories used as the framework of analysis. Most often than not, it is the adversarial approach to the management of the pre, during and post-impeachment controversies by stakeholders and dramatis personae that has resulted in a situation where impeachment proceedings are perceived purely as power play mechanism by feuding elite and patron-client disagreements and not as a correctional measure necessary to enhance good governance. It is this unintended outcome of conflicts and insecurity generated as a result of carrying out impeachment that necessitated this study. Consequently, patron-client and elite fragmentation theories are used as the theoretical guide to anchor this study.

2.1 Democracy: Meaning, Forms and Practice

Democracy has been variously defined by different classes of people including politicians, governmental technocrats and consultants, public and civil administrators, academics and researchers among others. From some of its popular definitions, it is evident that it is a government deriving its mandate from the people. Its structuring, function and exercise of power are supposed to be done with the consent of those being governed. Thus, it is a form of regime that recognizes the endowment in ordinary citizens which give them the ability and right to govern themselves. The fundamental meaning of democracy is evident in its etymological root in *demos* and *kratos*, two Greek words which respectively means 'people' and 'rule'. Therefore, democracy as the Anglicised form of *demoskratos* essentially means the rule of the people. Nonetheless, defining what, in theory and in practice constitutes 'people' and 'rule' has generated many debates. Robert Dahl, for instance, questions how the people are designated (1989). In the opinion of Rustow (1970:11), there must be a feeling and sense of national unity among the people in democracy because the people cannot decide with a sense of nationality. During the ancient Greek civilization, the people who could play roles and take part in decision-making processes related to politics and governance were specifically defined and spelt out.

They were made up of a subset of the people that excluded women, children, slaves and prisoners. The exclusion of these people from political pedestal, to the Greeks, was reasonable and justifiable, and did no harm to the meaning or practice of democracy.

2.1.1 Forms of Democracy

As a system of government, democracy is an institutional structuring and configuration which allows the populace to participate in government through the elections. The ideal of democracy, as thus viewed by Dahl (1989), is based on the principles of political participation and political contestation. The first principle, political participation, explains that all the people eligible to vote can vote. It also includes the fact that there must be elections which must be competitive, yet free and fair. Once the votes have been cast by eligible voters and the winner among the contesting candidates has been announced, power and authority identified with the office must be peacefully transferred from outgoing officeholder to the newly elected` one. These criteria are to be observed across all the tiers of government. A more robust and engaging conceptualisation of democracy is built around the second principle, political contestation, as referred to by Dahl. Contestation, in this context, is the people's ability to voice out their discontent individually and collectively through freedom of speech and the press. That is, ordinary citizens should enjoy the freedom to gather and deliberate on political issues without intimidation or fear of state persecution. When a democratic regime guarantees all this, then there are electoral freedoms and civil rights in such system, and the regime can be referred to as liberal democracy. The most predominant pointer that scholars use in differentiating one instance of a democratic government from another is the nature of representativeness of such government. To this end, there are two broad categories of democracy, namely; direct democracy and indirect or representative democracy.

2.1.2. Direct Democracy

Direct democracy is based on individual representation. It places power and authority in the hands of every member of the polity. It follows then that when political decisions must be made, all eligible members of the state gather together and each cast a vote. This, in theory, appears to be the ideal form of government. This is basically because it does not give room for

intermediaries. Each eligible individual member of the state enjoys an equal treatment as others and is given the chance of directly influencing the decisions and policies and the processes for making them. It is hard, however, to adopt this system in practice. As historical records have shown, small communities tend to practice direct democracy. In indigenous communities or small towns where every resident knows virtually one another and the issues in question directly affect them, this type of democracy is suitable. Nevertheless, once there is an expansion in the size of the electorate and the scope of policy areas, direct democracy can become unwieldy, necessitating the need for representative form of democracy (Dahl, 1989).

2.1.3 Indirect or Representative Democracy

Indirect or representative democracy is the type that establishes an intermediary, who is a political actor, between the individual citizen and the state's policy outputs. Through a periodically conducted electoral process, a person or a group of people is elected and assigned with the task of representing a group of citizens with respect to decision making, law and policy making, among others. It is this type of democracy which of course is common to many nation-states in contemporary times that is practiced in the United States of America and Nigeria where there are also multiple intermediaries basically owing to the large population of the two states. It is worth noting that although there seems to be a slight diminishing of the individual's political power, political actors and representatives still remain accountable to the group of citizens they represent. This group is otherwise known as the constituency of each political representative. The repetitive cycle of election at specific intervals brings about a relationship of responsibility and accountability between electorate and their representatives who, through being voted for by the majority, acquire the political right of decision making. The prospect of electoral defeat serves as a deterrent to elected representatives to stay the course and strive to do the biddings and preferences of their constituencies (Dahl, 1989).

The existence of the intermediary role brings about a number of issues which need to be addressed. One is what it means to represent the interests of a group of people. Another is the question of how favourable the policies that voters want are; what if the policies are not really in their interest? Yet another is the question of the responsibilities expected of the representatives. In the argument of some scholars, elected representatives must carry out their constituencies'

wishes even if they have harmful consequences. This approach of representation is called the delegate model. However, some others keep to the argument of seeing politicians as specialists. They argue that it is politicians that understand, endure and stand up to the heat of debates ensuing during parliamentary sessions while voters go on with their regular lives. Therefore, politicians understand the complexities and consequences of policies more than the members of their constituencies, and thus deserve to be given benefit of doubt in some situations. This approach of representation is the trustee model. The model, however, does not imply that the accountability of the representatives is of less importance. It only shows that the political knowledge, awareness and information shared by political representatives and elections asymmetric. It is arguable, perhaps it is rather not even possible to represent all voters' interests. Therefore, all representatives carry the image of being trustees because they have to make critical and informed guesses concerning what would and should be the want of their constituencies, which are their power base and to which they are accountable. While the anticipation is that the representatives make the right decisions, it must be admitted that they may be wrong sometimes. What is of utmost importance is that the people put their trust in the representatives' ability to make well-informed and rational decisions. In an event of perpetual or gross failure of a representative; either real or perceived, the electoral process can respond to this by removing such officer from office (Ornstein, 1992).

2.1.4 The Practice of Nigerian Democracy

Though democracy is, to considerable extent, a universal concept, it differs in practice from one polity to another in terms of institutional structuring and how power is acquired and exercised. Therefore, there are different types of democracy such as British democracy, American democracy, Canadian democracy, Irish democracy, among others. Since democracy is rooted in the people's mandate going by Abraham Lincoln's famous definition, there is the general impression that it is the most ideal political system that guarantees the provision of public and social goods and services. Therefore, it is common to assume the people's welfare will be better served under a democratic system of government. Nevertheless, while this may be the reality and experience of some democracies in the West, the reverse is the case in some other parts of the world. That is, democracy as a legitimate system of government that is known for rapid

development and even growth in some nations seems not to be working well in other regions of the world, where its adoption has somewhat returned a mix result. Nigeria, the most populated black nation-state in the world, is arguably representative of the latter clime. While democracy is practiced for the socioeconomic benefit of individual citizen; or at least to the greatest number of citizens. In some countries, the brand of democracy in a country like Nigeria is a government in the sole interest of select few. Indeed, the prominent characteristic of Nigerian democracy bizarre appropriation of public resources, particularly funds, with impunity for the selfish interests of very few individuals. Nigeria's brand of democracy, to a large extent, has not yielded economic dividends to the masses; instead, their socioeconomic conditions continue to deteriorate. This is partly because those who seek public offices do so with the intention of personal and group aggrandizement resulting in fierce contests with opposing groups. Impeachment crisis therefore comes in handy as a weapon in the arsenal of political gladiators (Okolie, 2003; Danjibo, 2012).

2.2 Understanding the Arms of Government

There is no sovereign state without a government, and the expectation of people in the modern society is a government which engenders security of life and property and guarantees an enabling environment that ensures their socioeconomic wellbeing. In an effort to achieve this vision, modern democratic governments operate through three major pillars, namely; the legislative, executive and judiciary. This section examines the interrelationship of these three arms or organs of government with emphasis on their compositions and functions.

2.2.1. The Executive

The executive arm is responsible for the execution of laws made by the legislature. It also performs the function of formulating and implementing public policies. The functions and responsibilities of this organ cut across those ones performed by various government officials, bodies and agencies in both civil and public sectors. Among other functions, it is this arm that is responsible for directing, supervising and maintaining law and order; promoting social and public services, and initiating certain legislation. As an institution therefore, it has a structure with the president or head of state as the most supreme, and then a division along civil line—

comprising of ministers who head various ministries under which are civil servants—and military line, comprising of the police and the armed forces with the president as the commander-in-chief. In Nigeria, with its three-tier system, the president who heads the executive arm at the federal level gets into office through popular election, and then appoints the ministers with the confirmation and approval of the legislative arm. The governor heads the executive body at the state level, and is assisted by commissioners and special advisers, while at the local level is the council chairman who is assisted by supervisory councillors and special aides.

The two popular forms by which the executive arm is constituted is either through the presidential system as practiced in the United States or parliamentary system as practised in Britain. There is however yet another model of the French which is neither parliamentary nor presidential but a fusion of both. In this executive model, the president exercises actual executive power, and also has control over the prime minister and the cabinet that are both still accountable to the Parliament. Nigeria has operated both the parliamentary and presidential system and has experienced the turbulence that comes with the implementation of impeachment with both models (Johari, 2007).

2.2.2 The Legislature

This arm comprises individuals elected from various constituencies to represent their people. In Nigeria, the central legislature is referred to as the National Assembly, and it is comprised of two chambers, namely; the Senate and the House of Representatives. This central legislative arm is similar to the Congress of the United States and also the Parliament of the Great Britain which is further made up of the House of Commons and the House of Lords. The function of the legislature, essentially, is lawmaking, and this is directed towards promoting peace, order and good governance. This is pointed out in Section 4(2) of the 1999 Constitution which explains that "the National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative list" (Constitution, 1999). However, it is instructive to state that the function performed by modern legislature is not limited to law-.making The arm also performs other responsibilities stated in the provisions of the constitution. For instance, it performs

oversight functions on the executive. In addition, it performs such other functions as approval of budgetary plans presented by the executive; control of finance to ensure compliance by the executive; ventilation of grievances of the people they represent, and approval of individuals nominated for appointments into the various offices, units and agencies within the capacity of the executive and foreign services. The composition of a state's legislative body can either be unicameral, or bicameral.

On the one hand, a unicameral legislative composition is made up of a single chamber which is charged with the responsibility of making law and carrying out other functions stipulated by the constitution. This type of legislative structure is suitable for smaller and ethnically homogenous countries. The bicameral type of legislature is comprised of the upper chamber and the lower chamber or house. Representation in the lower chamber is based on population while that of the upper chamber is on the basis equal representation. Therefore, the lower chamber has a greater dominance in lawmaking. In Nigeria, members of both chambers are directly elected. In Britain, while members of the House of Lords which is the upper chamber are nominated, members of the House of Commons which is the lower chamber are elected. In such bicameral legislature as Nigeria's, the legislation process is rather complex and entails series of bargaining and horse trading to achieve the concurrence and agreement of the two chambers to pass bills into laws. Also, in Nigeria's bicameral legislature, each state has equal representation in the Senate which is the upper chamber. This provision is meant to take care of disparity in the size of states which is reflected in the House of Representatives, and it also serves to safeguard the rights of every state. The Nigerian system however makes provision for a unicameral legislature at the state level with representation essentially based on size and peculiar gerrymandering in each state (Ornstein, 1992, Johari, 2007).

2.2.3 The Judiciary

The judiciary or judicial arm is responsible for the interpretation of law. In Nigeria, this arm is composed of the following forms of courts. The Supreme Court which is the highest is in the land comprise of the chief justice and justices; at the Court of Appeal are the president and justices. of the Court of Appeal; at the Sharia Court of Appeal are the grand Khadi and Khadis;

at the Federal High Courts are justices; at the State High Courts are judges while at the Customary Courts are the Magistrates.

The judiciary is an independent and non-partisan arm. Among others, it is responsible for conflicts resolution among citizens, central authority and the component states, or a state and local components. It is these functions of the judiciary that thus make it stand distinct from other organs. The judiciary is required by a government to maintain law, peace and order in the society, and its important functions are contained in its definition as being responsible for justice administration and dispensation. However the following, which are dependent on the type of political system in a state, could be itemised as the fundamental judicial functions:

a) **Adjudication**

The judicial arm entertains and decides all forms of cases on the basis of the strength and evidences of arguments presented by the parties concerned. The judiciary, is the defender of citizens' fundamental human rights, and is the last hope of the ordinary person.

b) **Interpretation of Constitution**

In countries such like Nigeria, the United States and Canada, the judiciary is the guardian of the constitution. This arm is also delegated with the authority to settle dispute involving the central governments and the component governments. The verdict of this arm—provided it is made by the Supreme Court being its highest unit—on issues related to the constitution between the governments at the central level and those at the state components is final.

c) **Legislative Function of the Judiciary**

Although the legislature is primarily responsible for the function of legislation, the judiciary also performs this function. Courts of law also make laws through judicial pronouncements and decided cases. That is, the decision of courts of law prevails as law in instances where constitutional provisions appear silent, ambiguous or inconsistent. This function seems inevitable because no law, upon its enactment, can possibly cover all cases that may be related to it.

Therefore, judges have to make decisions on cases in which no law can be directly applied. It is through this that precedents which are followed in deciding subsequent similar cases are established (Johari, 2007).

d) **Advisory**

The judiciary also plays advisory role to the government as the head of the executive arm may refer some matters of public importance to the Supreme Court for clarification and advice. Although, such advice is not binding, it has great persuasive influence on policies.

e) **Judicial Review**

The judicial arm also acts as checks on both the legislature and the Executive. With this, laws and actions of government that are inconsistent with constitutional provisions could be declared illegal and voided by a court of law with the competence. This function is referred to as the power of judicial review. It is part of Nigeria's constitutional system and those of other democracies around the world.

2.3 The Doctrine of Separation of Powers and Political Accountability

The concept of separation of powers is an important and influential doctrine in modern democratic practices. It is a practice that has to do with the division of powers among the three organs of government. This doctrine, like that of division of labour in the economics of Adam Smith, is directed towards ensuring efficiency and, more importantly, curbing the abuse of power and authority. Therefore, it is a concept that is sensitive to liberty. In a political system where separation of powers is recognised, different political and legal responsibilities are assigned to the three arms of government. It is in this light that the legislature is given the power of lawmaking while the executive is granted the mandate of administering and enforcing the laws made, and the judiciary is empowered to try cases brought before any court of law and also interprets laws and provisions of the constitution. It is this system of division that is described as horizontal separation of powers. Nigeria, with its federal structure, also has another type known as vertical separation of powers. In this, there is a sharing of powers between the central government and the component units of the federation (Okolie, 2003; Egwu, 2005; Lawan,

2009). The doctrine of separation of powers thus demonstrates that specific political functions and responsibilities are identified with particular government institutions. As a formal and legal engagement, it aims to ensure that there is balance of powers among the three arms of government, and there is no undue duplication of duties and responsibilities. Also, it aims to ensure stability, efficiency and effectiveness in the running of government.

The concept of separation of powers thus demonstrates that there are at least, three different impossible situations as pointed out by Okolie (2003) and Egwu (2005). . The first is that a single individual must not be part of more than one of the three arms; for example, the impossibility of ministers sitting in the parliament. The second is that one branch of government must not interfere in the business of another; for example, the non-interference of the judicial decisions. The third impossible situation is the performance of the functions of one organ of government by another; for example, the improbability of ministers having legislative powers. It is pertinent to add, nonetheless, that it is impossible to have complete separation of powers in theory and in practice. This is because of the unavoidability of overlap as the three different spheres still constitute a single government.

Separation of powers as a concept is developed over many centuries. Its evolution as a political doctrine and practice is traceable to the 14th century Britain when the Parliament gradually began to assert its power and to resist royal decrees. The English James Harrington was among the first set of modern philosophers that critically interrogated this doctrine. Using the works of such earlier philosophers as Aristotle, Plato and Machiavelli as a basis, Harrington gave the description of a utopic system of government in which there is a separation of powers. In his *Second Treatise on Government* (1690), the English political theorist, John Locke, is said to have treated the concept with more refinement. Locke is said to have pointed out the existence of conceptual differences between the legislative and executive powers and thus the need to always separate the duties and functions of the two government institutions. In Locke's thinking however, judicial power played no role (Johari, 2007).

As a modern idea, separation of powers was explored more comprehensively in a 1748 publication of the French political writer, Baron de Montesquieu entitled *The Spirit of Laws*. De

Montesquieu's exposition is said by Johari (2007) to be based on his understanding of the British Constitution of the first half of the 18th century. Montesquieu thus outlined a power division in England that cuts across the parliament, the king and the courts. Although this division was not de-facto practiced at the time, it was Montesquieu's belief that the stability in English polity was as a result this division. It therefore means that Harrington, Locke and Montesquieu considered separation of powers as a way of curbing and terminating arbitrary and excessive political powers. This doctrine is thus closely similar to that of checks and balances which argues for the establishment of overlapping authority as a way of controlling government, and for the granting of citizens the right to criticise the actions of government and to remove political actors from office.

Most democracies around the world have separation of governmental powers in practice, to some extent, if not as constitutional provisions. For instance, Italy and South Africa each have a separate constitutional court that looks into cases of constitutional concern. This mechanism is created by each of these democracies in order to ensure that the judiciary is independent of both the legislative and the executive. Some scholars are however of the opinion that the creation of an extreme separation of powers mechanism tends to diminish the effectiveness of government and deepen its possible paralysis. In the event of disagreement about fundamental issues among leaders across the three government branches, the country's official business can become stuck and be badly affected.

The critics of separation of powers also give the example of the United Kingdom as a strong and stable democracy that is not practicing the doctrine. The Prime Minister and the members of the cabinet, in British democracy, are all members of the Parliament. Although the judicial arm functions independently in the United Kingdom, it does not have the powers of judicial review exercised by courts in the United States. Rather, the House of Lords, the upper chamber in the British Parliament is granted the highest judicial appeal. However, in extremely repressive political systems, there is often a total negligence and absence of separation of powers. Such countries as Russia, China, Poland and Czechoslovakia, for a significant part of the 20th century, were each ruled by a communist government. The abuse of authority by the leaders of these

countries was made much possible by the absence of a separation of powers. In the communist regimes of the countries in question, the leaders held on to almost all authority and political influence which was concentrated in very few ministries and executive agencies.

In these countries therefore, both the legislature and judiciary were denied the power to prevent the oppression of citizens by the military, the police and other executive agencies. It is not surprising thus that when the communist regimes fell in many Eastern European nations in the early 1990s; a major first political reform immediately undertaken was the breaking up of concentrated political power and allocation of responsibilities to separate arms. Therefore, the fact that a government in which the doctrine of separation of power is entrenched is less likely to be dictatorial and more likely to uphold the rule of law cannot be denied. This is because this doctrine makes governance more democratic as there is a prevention of the dominance of one organ by another. Hence, this doctrine is an integral part of the polity of most democratic regimes around the world.

The doctrine of separation of powers is unarguably a fundamental provision in the 1999 Nigerian Constitution whose provisions place basic functions and duties of government distinctively in the three branches of government. It is in this regard that Sections 4 and 5 of the constitution are concerned with powers of the legislature and the executive respectively while Section 6 deals with powers of the judiciary. Also contained in Nigerian Constitution of 1999 is a vertical separation of powers especially between the government at the federal seat and the component state governments. Thus the legislative power of the federal government is expressed in Section 4 (2), (3) & (4) while that of the state is stated in Section 4 (6) & (7). The content outline of these two legislative powers is found in the constitution's second schedule. Similarly, while the executive power of the federal government is contained in Section 5 (1), the executive power of the state is enshrined in Section 5 (2). Thus, there are clearly provisions for both vertical and horizontal constitutional separation of powers in the constitution. Nevertheless, this does not mean that the separation of powers is total. The president and the state governors for instance, share the legislature's power of lawmaking owing to the constitutional provision that gives the president at the federal level and governors at the state level the power to assent bills before they

are passed into laws. This provision however frowns at the refusal of the president or governors to perform this duty. In such event, the federal or state legislature, as the case may be, can override the executive refusal with two-third majority vote at fulfilment of relevant conditions.

Another major exception to Nigeria's principle of separation of powers is the issuance of executive orders in some areas granted to the president. These orders include granting of pardon or mercy as stated in Section 175 of the constitution. A similar provision is contained in Section 211 of the same constitution for the state governor. These powers do not only clearly contrast, but also bring down the judicial power of imposing sentences after due processes of adjudication. The same applies in the appointment of judges in accordance with reference to the legislative arm for confirmation. Again, the power of the legislature to approve the president's or governor's nominees into executive offices and duties as contained in Sections 147 (2) and 192 (2) of 1999 constitution, is a clear evidence of an exception to the theory separation of powers. The power to make bye-laws by non-legislative bodies is also another exception contained in the constitution. These illustrations demonstrate that the Nigerian Constitution does not present a clear-cut separation of powers. It follows then that the doctrine of separation of powers, as evident in the Nigerian practice, is one that requires the branches of government to co-operate with, and depend on one another in a bid to ensure effectiveness and efficiency in government.

2.4 The Legislature in a Democracy

The legislative arm is generally considered as a state's sovereign organ, and it is arguably the first among the three arms of government. Egwu (2005) sees the organ as a body of individuals in a sovereign territory vested with the power of making, altering and repealing laws. The legislature constitutes the core of liberal democracy, and it is through it that the ordinary people are represented in government.

Modern democracy, particularly the liberal type is all about the exercise of political power by the people through the representatives they voted to power in popular elections. Therefore, democracy is not only dependent on the recognition that it is defined by the functions and powers of the legislature, the executive and the judiciary but also by the awareness that it is the only platform for expressing the view of the people. It can be said of a legislative assembly—

considering its roles and responsibilities—that it represents the illusory forms of the class struggles as it provides an avenue where various political forces and interests contest. This is evident if inferred from democratic practices in western nation-states where the creation of the legislature and the initiation of the use of the constitution is historically rooted in the social and economic struggles involving the upper class (the nobles), the middle class and the working class or peasants. This assertion is, in fact, corroborated by John Stuart Mill (1962) who is said to have written in his Considerations on Representative Democracy that "the legislature acts as the eyes, ears and the voice of the people" (Lawan, 2009:151). Therefore, the inherent interconnection between the legislative arm and the citizens is a quality that comes to the fore. Mill is also referenced to have submitted that:

> The proper office of a representative assembly is to watch and control the government: to throw the light of publicity on its acts, to compel a full exposition and justification of all of them which anyone considers questionable; to censure them if found condemnable… In addition to this, the parliament has office… to be at once the nation's committee of grievances and its congress of opinions (Lawan, 2009:151).

Section 4(6) of the Nigeria Constitution charges the House of Assembly with the legislative powers at the state level across the federation. The powers of legislation of state assemblies are similar to those of National Assembly, but they do not extend to matters that are in the exclusive list. The legislature also performs such other functions as serving as watch dog, as it checkmates excesses of the executive and guarantees that the doctrine of separation of powers is upheld. It is obvious that this arm represents the true stronghold of democracy because of the immense projection it accords to representation. That is why Oyovbaire (2001) as quoted by Lawan (2009) is said to have emphasised that the legislature, in democratic theory, is the people's will taking an institutional manifestation, and that it is a major source of rules and policies governing a state, and the avenue for the articulation and aggregation of interest.

Nevertheless, a glaring fact about the Nigerian legislature is that it is still an 'undernourished baby', as it were in its relationship with the executive arm of government. The episodic history of this arm in Nigeria is possibly responsible for this. What existed as legislature in colonial

Nigeria was not an organ wherein indigenes exercised political power or were ably represented. In post-independence Nigeria, frequent interruptions hitherto have considerably stunted the growth of a robust and healthy legislative institution. Unlike the executive and judicial arms which always survived under military dictatorship, the legislative arm suspended and the constitution underplayed. This has made the legislature remain underdeveloped. It is perhaps important to elucidate on the nature of democracy before delving into the issues revolving around the place of the legislature in a democracy. Beetham contends that:

> Democracy is both an ideal and a set of institutions and practices. As an ideal, it expresses two very simple principles: first, that the members of any group or association should have the determining influence and control over its rules and policies, through their participation in deliberations about the common interest; second, that in doing so they should treat each other, and be treated, as equals. These principles are applicable from the smallest group up to the largest state; how effectively they are realised in practice is the touchstone of how democratic any association can claim to be (2006:3).

The nature of modern nation-states have ensured that the realisation of these democratic ideals is only through an intricate set of practices and institutions that have been in evolvement over time. Part of them is a framework that guarantees rights of citizens, an active civil society, an accountable government and a number of other institutions such as the media, pressure group and political parties, which can mediate between the government and ordinary citizens. Within the presidential system and the tradition of separation of powers among the three branches of government, the legislature as a body of elected representatives occupies the central position in that triumvirate (Beetham, 2006; Olurode, 2007). This is because it is through it that the people's interests are represented and self-governance is brought to life (Beetham, 2006).

A considerable contrast has however been witnessed in the early years of the 21st century. This is because while democracy has been recognised in most countries of the world both as the ideal system of government, there has also been considerable disillusionment arising from the perceived decline of democratic principles in practice. This disillusionment may have been

intrinsic in the twist and turn of democratic practices, and in what Norberto Bobbio, a political theorist from Italy termed 'broken promises', is the discrepancy between the promises made and what in actual fact comes to be (Beetham, 2006:1). Yet, this is a discrepancy that, in contemporary times, seems somewhat acute when then attention of democratic governments is required to contend with forces which usually appear to be out of their control, and gravely affect their national security and economies, and also have consequences on the livelihoods and well-being of ordinary citizens. Francis Fukuyama for instance contends that:

> The year 2014 has not been good for democracy, with two big authoritarian powers, Russia and China, on the move at either end of Eurasia. The Arab Spring of 2011, which raised expectations that the Arab exception to the third wave might end, has degenerated into renewed dictatorship in the case of Egypt, and into anarchy in Libya, Yemen, and also Syria, which along with Iraq has seen the emergence of a new radical Islamist movement, the Islamic State in Iraq and Syria (ISIS) (Fukuyama, 2015:12).

The flip side of this contradiction is that even in advanced and consolidated democracies, there seems to be an increasing exasperation with many countries' parliaments— the so-recognised central institution of democracy. The intransigent and bellicose posture of the United States Congress dominated by the opposition Republican Party during the administration of President Barrack Obama is a case in point. In emerging democracies, such as Nigeria whose democratic institutions are in their formative stage and yet to be consolidated, the legislature faces deeper crisis of identity and legitimacy. This is unlike the executive branch which dominates much of governmental processes and decision-making and has been active even during military autocracy in the country.

As the most important institution in a democracy, the legislature is representative of the people's will in government; whether democratic institutions will be responsive or not to the expectations of the people will depend largely on the activism of members in living up to their constitutional responsibilities. As an assembly of elected members that represent the society across board, the parliament is responsible for the reconciliation of conflicting expectations, desires and interests of different groups through the approaches of dialogue and compromise. The legislature is

saddled with the function of not only making laws, but also adapting such laws to society's rapidly changing needs and circumstances. As the branch that is granted the power of oversight role over the executive, the legislature also bears the duty of ensuring full accountability of the government to the people (Fish, 2001; Beetham, 2006; Onyebuchi, 2013).

As agents of the people, legislatures are, "the symbol of popular representation in politics" Rod & Martin, (2004: 247). The degree of their representativeness is an important factor for measuring their contributions to democracy. Yet another consideration is the effectiveness with which they perform their duties and responsibilities within the context of separation of powers. In order to be more effective, the legislature periodically undergoes changes to enhance their self-reinvention and their adaption to a new dispensation. In recent years, significant efforts have been made by many parliaments towards a more effectiveness engagement with the public and towards improving their approaches to the parliamentary business. Many parliaments strive to improve the genuineness of their representation of their constituencies, improve their level of accessibility, accountability and transparency to their people, and improve the effectiveness and efficiency in their fundamental legislative tasks.

Scholars may differ with respect to the exact list of duties of parliaments, but there seems to be a general consensus about some tasks that are expected to be performed of all parliaments. These tasks include making of law; approval of budgets; screening and approval of public officers for appointment by the executive; making of policies; treaty validation; conducting debates on matters of national and international concerns; hearing and indemnifying complaints and ratifying changes in the constitution (Fish, 2001; Oni, 2013). In terms of the aforementioned responsibilities, parliament's contribution to democracy can be viewed from the angle of how effectively they discharge assigned roles in the service of their constituents and society in general.

2.4.1 Functions of the Legislature

Considerable differences have been observed among different states by Ball (1977) in the functions and powers of the legislative body. In his words, in some polities like the United

States, the Congress which is the legislative arm, assumes wide measure of powers and exercises this in the cause of making decisions. In some other states like the defunct Soviet Union, the existence of the legislative branch, as pointed out by Ornstein (1992) was just as a rubber stamp assembly legitimising decisions and policy the government already made. Nijzink, Mozaffar and Azevedo (2006) make a similar observation of many African legislatures. According to the trio, variables like colonial legacies, the governing parties' power to appoint and dismiss, and the executive's absolute control of the wealth of the state have culminated in the structural and policymaking disability of the legislative institution. This disability thus brings about a limitation in the capacity of the legislators to represent citizens, push for the interest of their constituencies, make laws and perform their oversight role. Some other groups of writers also aver that legislatures in Africa are merely meant for legitimising policies of the executive, admitting and socialising new elite groups, and mobilising the support of the public for political regimes (Packenham, 1983; Mezey, 1983; Thomas & Sissokho, 2005; Burnell, 2003).

A large percentage of scholars that have worked on legislatures of the African continent argue along the line of policymaking and institutional disability of the legislatures. However, there are marked variations in this situation. In their examination of the legislatures of four countries in the continent, these scholars (Barkan, Ademolekun & Zhou, 2004) discover there are variations in the characteristically weak nature of legislatures of Africa. While they see that of Senegal to be characterised by extreme weakness, they see the Kenya legislature as being relatively strong, and those of Ghana and Benin are within these two ranges. They contend that these variations are informed by contextual factors which include, among others, the structure of the society, the provisions of the constitution, and the structuring of the legislative institution.

Okoosi-Simbine (2010) observed that the structure and organization of the legislative arm is dependent on previous practices, character of the incumbent administration and, to a very large extent, the atmosphere of the sovereign territory. In the light of this, therefore, variations among legislative arms range from electioneering system, bases and conditions of election, nature, frequency and size of parliamentary sessions and manner of sharing functions between

the upper and lower chambers for bicameral parliaments. It is instructive to note that the observation about the ineffectiveness of the legislature is not exclusive to democracies in Africa. Scholars of South American political system have also noted the lukewarm nature of their assemblies, describing them as tools for legitimising the decisions of an hegemonic class, and given more to venting than governing (Ball, 1977 and 1999; Ray, 2004).

Nevertheless, there are some groups of legislatures that operate cooperatively as partners in governance, represent the people, make laws that are effective, and have significant control over the executive (Okoosi-Simbine, 2010). This argument is corroborated by Saliu and Mohammad when they pointed out that legislatures in advanced democracies have a predictably higher role of representing public interests in legislation than those of transitional or developing democracies. This state of the legislatures in advanced democracies is a major contributor to good governance. It increases the capacity of the government to pay attention and make response to the grievances of the public. More so, it plays an important part in passing legislations that could withstand thorough probing, and also serves as a medium through which the degree of integrity and effectiveness in administering laws can be improved.

There are significant variations in legislative functions. Such functions include enthronement of governments as evident in the United Kingdom's, especially when there is a 'hung parliament', or coming up with resolutions in the event of dispute in the results of elections as is the case of the United States of America's presidential system. Legislatures also use affirmative action in recognising ethnic, linguistic, geographic, religious, gender and differences for legislative representation as instruments in order to enhance national integration as evident in the examples of Ethiopia and India. Other discrete yet important functions of legislatures, as stated by Johnson and Nakamura (1999), include political enlightenment of the public; removal of the executive through impeachment, censuring and passing votes of no confidence; scrutiny and approval of government appointments; and providing a place where ideas that might birth importance policies could be thought of and initiated as seen in the US. Although there are variations in legislative functions from one nation-state to another, some essential similarities are predominant among parliaments. The major legislative functions are discussed below:

Legislation: The fundamental legislative function is making of laws for social and human wellbeing. The making of these laws are informed by a country's constitutional provisions and other standing procedures given by the legislature. In the opinion of Edosa and Azelama (1995) and Abonyi (2006), this function is the basic and most important responsibility of the parliament. This is the same view as Laski's (1992) that the legislative branch is responsible for lawmaking in a society. This function is performed in an effort to ensure good governance in a state. These laws may have its origin in bills sponsored by individual members of the legislature, or in policies made by the executive (Abonyi, 2006; Benjamin, 2010) though laws can also originate from other sources such as customs, norms, case law and judicial reviews, and more Awotokun, (1998). The ones enacted by the legislative institution as well as those of other sources have to be in the public's interest, be qualitative and have self-sustainability. The awareness of the public about the existence of these laws should modify their behaviours and responses to different situations.

This explains why Abonyi, (2006) argues for a meticulous examination of bills by making them pass through certain assessment phases during which something new will be added to them and some of their initial parts will be deleted, thereby modifying them to appear better. However, it has also been argued that although law making is a legislative function, the contributions, and more often than not, domineering character of the executive as well as other considerations like giving in to the interests of oppositions and other groups in respect of parts of proposed legislations has brought about an immense reduction in the parliament's power of law making (Kousoulas: 1975). This, in the same vein, is also alluded to in the statement of Heywood (2007) continual weakening of the legislature witnessed in the 20th century by means of an institutional and structural decline in the powers and functions of the arm. He further observes that though the situation of the inclusion of the views of diverse interest groups in the process of legislation may have improved their democratic outcome, they have inadvertently reduced a number of legislatures to 'toothless bulldogs', doing very little more than stamping the decisions of powerful interests and lobby groups.

Oversight: The legislative institution is also responsible for the investigation of matters that transpire in the day-to-day running of government departments, ministries and agencies which are, statutorily, parts of the executive arm. In order to ensure effectiveness of the legislature in the performance of this function, there are always standing committees constituted by members of the parliament. Each committee, which is attached to a ministry, bears the mandate of closely overseeing, monitoring and scrutinising the agency or department based on the provisions of the laws that enable this. Such standing committees are also granted the power to organise public hearings and invite government officials for an appearance before it. Such invitation may be for the purpose of clarifying some matters, defending some resolutions, or defending some proposals of the government unit in question. Therefore the oversight function of the legislature gives the institution the opportunity to be actively involved in monitoring and understanding performances of executive agencies and units (Saliu & Muhammad, 2010). This function is described by Edosa and Azelama (1995) as putting surveillance on the government businesses of the executive. In the view of Adebayo (2008), this function closely checks the executive by scrutinising and assessing the performances of ministries, departments and agencies. The reason behind this function is to make sure that the administration of public policies is in tandem with the intention of the legislature (Commonwealth Parliamentary Association: 2002).

Considering the importance of this legislative principle, it follows then that the function of the legislature is not limited to the passing of bills. The oversight function is thus obviously used as a follow up and other important function as making of laws. Effective oversight is a fundamental legislative function and an integral part of parliamentary functions in modern times, regardless of the type of government being practiced. In the opinion of the National Democratic Institute (2000), the most important of all legislative functions is that of oversight. This importance is informed by the executive's constant exercise of immense powers as well as the need to safeguard liberty and ensure accountability by all public officers at all times. After participating in the making of laws, the legislature also has to fulfil the responsibility of ensuring that the laws are effectively implemented.

In the Indian constitutional provisions, the executive arm (Council of Ministers) is charged to be accountable to the legislative branch or House of the People. Demonstrated in this is the legislature's overseeing of government activities and holding the government accountable for such activities. This function of oversight allows legislative arm to closely follow up the processes of implementing policies so as to identify and reveal flaws and to also curb misinterpretations. This is the reason why Roberts (2002) sees the function as a measure for checks and balances. Thus, it is a fundamental and ineluctable aspect of the processes of lawmaking. The legislature performs this function in such instances as the executive's pecuniary behaviours and designations of important government officials like diplomats, commissioners, ministers among others. Legislative oversight, if effective, enhances efficiency, accountability and fidelity of the government (Lafenwa and Gberevbie, 2007).

Representation: This is a function rooted in the legislature's inherent structure as an institution comprising elected individuals who are representing their constituencies. Theoretical perspectives on representation, particularly require representatives in the legislature to reflect their people's will and aspirations, which constitute the reason for which they are elected. Members of the parliament, being the connecting dots, as it were, between government and ordinary citizens, are supposed to pay regular visitations to their people, and to also make consultation with them so as to have a direct feeling of their sentiments and grievances, weigh their opinions on matters affecting them, and consequently enhance improvement in legislation. The central function of the legislative institution, as argued by Awotokun (1998), is representation. According to him, this is because of the reality that the complex nature of administration in modern political systems does not permit the direct involvement of the public in running the business of government as in the case of ancient Greek city-states. Awotokun further argues for a view of this government institution as a channel through which the people and their diverse territories and interests are represented in government and given a chance in the political structure. This function of representation is therefore an opportunity for the public voice to be articulated and heard in government (Edosa & Azelama: 1995).

The idea of representation can be traced back to Roman democracy where the Prince was the representative of Romans (Edigheji: 2006). Roberts (2002) points out that this function of representation can be divided into two. The first is that legislators are their people's representatives to government, and the second is that legislators are simultaneously government representative in their respective constituencies. The legislature as a government institution is therefore an avenue and circle for representing and involving the public in government (Davies, 2004). Political representation is central to a democratic system (Saliu & Muhammad: 2010). This function of the legislature is the epicentre of the institutional process and machinery of a democratic system. This is because the crux of the activities of the legislature is supposed to be the aggregation or projection of different desires and will of various groups represented in the process of policymaking. According to (Edosa & Azelama: 1995), the legislative's function of representation serves to promote and ensure legitimate public policies, enhance healthy government-citizen relations and facilitate political stability.

Fiscal and Financial Function: Financial appropriation function is another responsibility performed by the legislature. This government institution is regarded as possessing the purse power in many nations. This implies that no legal spending can be done by the executive outside the authority of the legislative arm. This explains why there is a constitutional provision requiring a presentation by the executive, of expenditure proposals for legislative assessment and approval. For instance in the Nigerian example, it is after such legislative validation of budgets that the executive has the legal permission to make the appropriate withdrawal from the Federation Account or the Consolidated Revenue Fund. A similar situation is obtainable for proposed supplementary spending. This function enables the parliament to hold the executive, its cabinet members and other officials responsible either for misapplication or mismanagement of public funds. Sanyal (2009) points out that all expenditures of government, except for few items that are stated in the constitutional provisions have to get legislative sanction. There could be approval of additional expenditures via supplementary appropriation. This function is considered to be of utmost importance in the sustenance of democratic polity (Lafenwa & Gberevbie: 2007). Critics and scholars also explain the functions of the legislative arm as including fixing of taxes

and monitoring of government spending. The legislative institution, in their argument, must be a good manager of funds so as to guarantee sound welfare scheme for the general public.

Committee Function: Fashagba (2010) explains committees to mean groups saddled with the responsibility of fulfilling specific assignments based on a clear purpose and distinct direction. The functions of these bodies constitute the epicentre and powerhouse of the legislative institution (Heywood: 2007). Heywood also notes that such groups which are of various types depending on their basic functions engage in detailed examination of legislative measures. For instance, a committee examines bills and another examines financial demands of the government. Edigheji (2006) adds that committees also look into pertinent cases concerning various executive units and departments, and as well monitor the fiscal activities of the executive through the auditing done by the Auditor-General. It is also instructive that they could invite the general public for feedback (Sanyal, 2009). Committees' functions are also seen by Abonyi (2006) as a way of performing the function of investigation of the legislative arm. There exist different standing committees to which legislators belong. Nevertheless, an ad hoc committee may be utilised for the purpose of exigency; that is, it is appointed to respond to a particular issue or development at a given point (Fashagba, 2010).

Deliberative Function: In order to perform its responsibilities with effectiveness and efficiency, the legislative branch unavoidably engages in intense deliberations from time to time. It is this deliberative function that has earned the organ a derogatory cognomen like 'talking chamber' in some quarters. However, in recognition of the necessity of critical and vigorous deliberations in the processes of making decisions, the constitutions of most nations practicing democracy give legislative immunity to lawmakers. Such constitutional provisions make it impossible to hold lawmakers responsible for whatever they say during parliamentary sessions. These constitutional provisions also allow members of the legislature, particularly oppositions and minorities, to filibuster so that their voices will be heard even if the majority members will have the final say.

Confirmation of Executive Nominees: The law only permits the executive to nominate individuals for ministerial and ambassadorial offices as well as other statutory bodies. Without the screening and confirmation of these nominated individuals by the parliament, their

appointments into the offices are invalid. In the bicameral legislature of Nigeria, the validation of such appointment is usually granted by the upper chamber, the Senate. In the United States, the president has to present a list of the nominated candidates alongside their prospective portfolios in order for the Congress to determine how suitable or otherwise they are for the assignments. In Nigeria, however, the president can assign and reassign offices and duties after the Senate's approval without being questioned, although, there have been attempts to reflect the latter. The scenario is similar at the state level where House of Assembly members must screen and approve the governor's nominees before appointments are made.

Censure of the Executive: The legislative institution is also granted the reserved powers to censure and impeach the president in presidentialism or, in parliamentary system, enforce the prime minister's resignation, if a no confidence vote is passed by the legislature. On 9th of August, 1974, American president Richard Nixon had to resign from office in order to escape the impeachment proceedings against him which the Congress had started.. Also in the United States, the Congress attempted the impeachment of President Bill Clinton but the Senate was not able to meet up with the required two-thirds majority though it was successful in the lower house. At the level of the state, the House of Assembly also reserves the power to initiate gubernatorial impeachment having fulfilled the constitutional requirements.

Ratification of Treaties/Agreements: Most democratic nations have constitutional provisions that grant their legislatures the power to ratify treaties or agreements they make with other countries. Without such ratification, the treaties or agreements remain null and void both nationally and internationally. In the year 1920 for instance, the refusal of the United States' Senate to ratify the Versailles Treaty stopped the country from joining the defunct League of Nations, despite the fact that the formation of the organization was greatly influenced by President Woodrow Wilson.

Approval of War Declaration: The United States' and Nigeria's constitutional provisions respectively recognise the president as commander-in-chief of the armed forces. Nevertheless, the president does not have the power to single-handedly declare war against another country

without the legislative arm approving such decision. For instance, before President George Herbert Bush could launch military attacks on Iraq in 1991 for illegally invading Kuwait, the United States Congress gave its approval. The same obtained in 2003 in the case of President George William Bush who, without the United Nations' confirmation, committed the United States to war against the Iraqi government of Saddam Hussein having got the consent of the Congress. Even where quick military actions are required, the president of the United States or even Nigeria, even though they are the most supreme security officers in their respective countries, cannot declare war against another country without the consent of their legislatures.

Amendment of Constitution: The amendment of constitutional provisions is another central and statutory responsibility of the legislative. This amendment could be partial modification of some provisions or a complete replacement of the whole constitution. This function, in a federal political structure is shared by both the central legislative government and those of the component states. For constitutional amendments recently done in 2007, 2014 and 2017 in Nigeria, the procedures started at the National Assembly before the involvement of various state assemblies for the purposes of considering the concurrent provisions and approval. In a Nigerian Constitution, a bill for constitutional amendment must be supported by two-third of members of each of the two chambers of the National Assembly and at least, 24 out of the 36 states houses of assemblies of the federation.

Though the fundamental place occupied by the legislature in a democratic political tradition appears indisputable, its responsibility of representing the electorates through the functions of oversight and law making has rather recently become controversial and questionable. Theories and critical perspectives on the interrelationships of the three institutions of government have pointed out that although the parliament is the organ of the people, and it has the essential goal of representing the interest of the people, the constant intervention of the executive in the legislation underestimates the legislature's role of representing the public (Edosa & Azelama, 1995; Bernick & Bernick, 2008). These scholars point out that the instruments, resources and opportunities attached to such office of a single occupant as the office of the chief executive which saddle him with the mandate of controlling government machinery,

maintaining diplomatic relations, developing budgets, organizing special plenaries, and exercising veto powers have granted a competitive advantage to the chief executive over the parliament; hence the continuous exertion of dominance by the executive (Beyle and Muchmore, 1983; Bernick and Wiggins, 1991; Edosa & Azelama, 1995; Rosenthal et.al., 2003).

In addition, although the legislature in some political systems is seen by some scholars, researchers and analysts as having wide and real powers and exercising them with respect to various processes of decision-making, some others scholars including Adebo (1988) and Burnell (2003) see the arm as an ordinary assembly for rubber-stamping and legitimising decisions that have been made elsewhere. However, some other scholars like Saliu and Mohammad (2010) and Okoosi-Simbine (2010) note the shirking of responsibility by the parliament to fulfil other interests.

In the opinion of Burnell (2003), globally, legislative institutions seem to be experiencing a depression such that they are not able to check the executive's accumulation of powers that are informed by financial, economic and political factors at both national and international levels. With respect to this dispute, it has been demonstrated that a broad examination of the status and functions of the 21st century legislative institution would show how, besides one or two striking and significant exceptional situations, legislative arms are lagging in some fundamental functions, especially those of power relations as against the executive powers of governments (Ray: 2004). In corroboration of this argument, Adebo (2008) reveals that the legislators in Second Republic Nigeria spent the larger part of their truncated office term debating matters of accommodation, salaries and comforts, making the threat of indefinitely boycotting sittings if the government refused to yield to their demands for luxury. Fashaga (2010) points out that such scenario as this has also been the debasing character of lawmakers in Nigeria's Fourth Republic. According to Bernick and Wiggins (1981), reformers at the level of component governments, who of course sympathize more with the legislative branch, have pointed out the perceived declination in the might of the legislature, and attributed the present imbalances

between the legislature and the executive to legislative abdication and the ever-increasing gubernatorial power.

Since the end of colonialism in African, a great number of Africa's legislatures, have, at best, been institutions that are evolving with respect to their capacity to ensure horizontal and vertical accountability. African legislatures, in particular, and indeed legislatures in other parts of the world, continue to manifest weakness in the exercise of power, as opposed particularly to the executive. Only few have evolved into significant actors in the policymaking process, and counterweight institutions vis-à-vis the executive and its powers. Nevertheless, African legislators have been undergoing development and reform. Thus, it is arguable to say that contemporary legislatures in Africa generally have the potentials and capacity to increase in their power and independence. As a considerable number of these legislatures continue to develop the capacity to extend their authority, it is expected that their power and autonomy would equally grow (Barkan, 2009). The extent of legislative capacity among African legislatures differs significantly across the nation-states of Africa. While the legislature is still acting far below its capacity and power in some states in spite of the third wave of democratisation, the legislature, in other states, demonstrates vigorous activism with regard to checking of the executive, contributing to policymaking processes, and also monitoring of policy implementation.

A rise of an autonomous legislature such as in Kenya and, to a minimal degree, in Nigeria, Uganda, and South Africa can immensely impact governmental processes. In Kenya, the legislature has succeeded in establishing its autonomy from the executive and has also acceded to extraordinary amendments into the proposed legislation of budget. Even further, activities of the legislative arm have considerably exposed corruption within the executive. In fact, in some occasions, such activities compel the executive to terminate the machinations of corruption. In South Africa, the legislature's enhancement of executive-proposed legislation has permitted the executive to accomplish policy objectives hitherto reached ineffectively (Balkan, 2009). In Uganda, professional budget offices have been established to assist parliament engage a more assertive role in the budget process. Kenya and Uganda expanded professional staff, ensuring they serve at the charge of parliament's leadership, thereby

making their administration independent of the executive (Parliament and Governance Module, 2013). In addition, the legislatures in these countries now draw up their own budgets. Conversely, the somewhat weaker legislative structures as existent in such country as the Republic of Benin have not made much important impacts on policymaking processes and other state's businesses. Thus, the contrasting accounts of the performance of legislatures in Africa imply that some democracies that are recently emerging have been able to augment their strength and capacity, while others have not (Bolarinwa, 2015:20).

The central role that has been granted to the legislative branch is crucial to the revived effort to deepen democracy in African political structures. This is reflected in the huge trust and hopes the people place in their representatives. Nonetheless, in the case of African polity, the representatives carry an additional recognition owing to the reality that the legislature had very little or no recognition during the several years of military dictatorship and one-party administration that took over most African states between the mid-1960s and the mid-1990s. During this period in the continent, as authoritarian rules became predominant, the legislative branch was either indefinitely suspended or totally subsumed under the might of domineering executive institutions. Legislators thus became the biggest losers in government as legislature was severely underdeveloped. It was partly owing to this weak capacity that a number of ideas and programmes initiatives were brought up from the last decades of the 21st century upwards to improve the technical strength of legislatures of various African countries (Nwanolue & Iwuoha, 2012). It is clear, nevertheless, that the causes of the frailties of these legislatures are not limited to technical ones. To a very large extent political issues underlay these causes.

There have been manifestations of these challenges in different instances including in the strives for some measure of independence from executive domination, friction rising out of the inclination to the practicing of presidential system by new democracies of the African continent, the adversarial relationship between elected members of legislature and party leaders, the unstable and fragmented nature of political parties, the susceptibility of electoral systems to malpractices and other forms of manipulations, the executive's regular tendency to ride roughshod over the legislative, the somewhat deliberate underfunding of the legislative, and poor and improper use of the resources meant for firming up and stabilising the roots of democracy,

the invasion of homemade policies by conditions of donor, and several more. To refer to a CODESRIA Bulletin, the broad nature of the political structures of Africa's democratic processes is mirrored and summarised by the encounters of the legislative institution in the recent struggle for the revival of democracy CODESRIA Bulletin, (2006).

2.5 Executive-Legislative Relations

The focus here is to examine and delve into the various literature that focus on legislature-executive relationships under both presidential and parliamentary democracies with a view to understanding it better, especially as it relates to impeachment conflicts. Governance is indispensable in ensuring socioeconomic and political development of any state and is imperative for the achievement of a state's objectives and interests (Fabbrini, 1995; Oburota, 2003; Ogundiya, 2010). Therefore, Gill (2002) explains governance to be the structural and organisational traditions and processes that determine exercise of power, the taking of decisions, the decision-making processes that are undergone, the holding of decision-makers to account and the permission of stakeholders to have their say. In the opinion of Ogundiya (2010), governance is seen as comprising two fundamental state properties. The first is the state's structure, and the second is the business procedures of the three institutions of government and the structures of administration across the three tiers of government. The act of governing has structures and processes; therefore, it is the duty of every state to see to the adoption of a tradition of governance whose structure and process is considered suitable and applicable in a bid to achieve the noble objectives of the state (Oni, 2013; Onyebuchi, 2013).

Comments have been made on the relationships between the legislature and executive branch by public officials, politicians, critics, journalists, and other relevant quarters, revealing the factors that underline the relationships and their implications. A wide range of perspectives has also been offered with respect to conflict and cooperation alike; concentrating on the predominance of the former over the latter and vice versa, and on the advantages or otherwise in them. A few observers, Aiyede, (2006), Bassey, (2013), Omotola (2006) to give examples, consider executive-legislative disagreement as being a beneficial and important prerequisite for checking the government and assuming some measure of control over it. Yet, some other observers see it

as instigating gridlock over important policies and decisions, thus, weakening the effectiveness of government (Mbah, 2007; Dulani & Donge, 2006).

The kind of relationships existing between the legislative branch and its executive counterpart constitute a very important characteristic of the functioning of a political system (Kopecky: 2004). This relationship, as explained by Winetrobe (2000), is an integral part of the political and constitutional structuring of all sovereign territories and, in recent times, it has always come to the fore during parliamentary debates. The relationship is complex as it is dependent on a variety of some formal and informal engagements and practices. According to the National Democratic Institute, the provisions of the constitution exercised by the legislature and the executive branch are, definitely, of commendable importance as they contribute to the structuring of the dealings involving the two organs of government (National Democratic Institute (NDI), (2000).

Nevertheless, as suggested by Bernick and Bernick (2008), several informal rules, conventions and customs including those about the appointment of officials into the executive council after elections and also the precedence, practicality, behaviour, practice and influences of partisan groups are as well significantly important. The variation of these situations across sovereign states in the world explains the wide differences in the sharing of political power and the relative influence exerted by each arm of government over the making of decisions and formulation of policies (Oni, 2013). Aiyede and Isumonah (2002), in their explanation of the imperativeness of interaction between the legislature and the executive, posit that the consolidation of democratic politics can only take place in a situation where political institutions, particularly the legislature and the executive, are active and have relationships which strengthen the trust in the government and the procedures for occupying positions in the two branches. It is however imperative to state that due to a fixation and tendency to operate in an atmosphere of political mistrust, the two institutions usually seem paralysed, stuck in an irrevocable political standstill. This explains why they usually seem to operate as political oppositions and not dependent partners and stakeholders in governance.

As earlier pointed out, the institutional view of the executive and the legislature may be a central factor that shapes the relationships shared by these two government institutions, several unofficial regulations, customs and practices are as well very important. This is perhaps explained in Bernick and Bernick's affirmation that the relationships are considerably structured and influenced by the participants' behaviours and mind-sets. Of course, the provisions of the constitution unarguably play vital roles in the legislature-executive relationships, the relationships hinge on unofficial practices and conditions which allow the implementation of these norms in practice.

In his defence of the newly proposed American Constitution in 1788, James Madison pointed out a fundamental tenet of rivalry as well as competition involving the organs, as a way of controlling and checking government's activities. Recognised for his important role in the drafting of the constitution, and also in giving reports on debates and discussions at the Constitutional Convention and in writing significant Federalist Papers, James Madison additionally made reflections on the system of checks and balances in a democracy, as well as on the necessity of sustaining the system through auxiliary precautions. He is quoted to have argued thus:

> A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions... the constant aim is to divide and arrange the several offices [branches of government] in such a manner as that each may be a check on the other (The Federalist Papers, 1961).

However, the need to build a feasible binding energy and positive legislature-executive relationships lies at the heart of democratic tradition. The post-independence Nigerian political system has hardly operated a harmonious system with the overarching intent of promoting democratic governance. This is specifically evident in the context of legislative-executive relationship since the return to democracy in 1999. The series of regular high level conflicts orchestrated by politicians both in the executive and legislature across the country based on partisan interests, often overheat the already tense and fractured social and political space of the nation-state. Hence, they do not lend themselves to deepening democratic governance. Some of

the disagreements have manifested openly in the form of physical brawls, undue red-tape in the passage of fiscal budgets, instability and high turnover in the leadership of presiding officers of assemblies, the veiled and sometimes open threats of impeachment directed at the executive. This display of highhandedness, intense recklessness and acute pursuit of narrow interests displayed by Nigerian elite on the corridors of power often portrays the country in bad light and gives the impression that the current democracy may suffer an imminent collapse (Oyediran, 2003; Onyebuchi, 2013). The recent scandal in the legislature concerning the padding of the 2016 budget further strengthened the perception that the governing class is fractured, fragmented and self-seeking. In a recent lecture, Albert argues that:

> The ongoing budget-padding row in the House of Representatives is another worrisome case of elite fragmentation under the political dispensation in Nigeria. It is one case in which a prominent member of the House, Abdulmumin Jibrin, the former Chairman of the House appropriations committee has said "we committed a criminal act by padding the 2016 budget" (Albert, 2016:7).

2.5.1 Executive-Legislative Relations in a Presidential and Parliamentary System

It is also necessary at this juncture, to examine the interrelationships existing between the law-making institution and the law-executing arm in presidential and parliamentary democracies with a view to identifying the principles that underscore both systems. It is important to see how these principles either strengthen or undermine harmonious working relationships between both arms. The traditions of parliamentarianism and presidentialism are concerned with the dependency and vice versa of the powers of the executive mandate in relation to the legislative arm. Presidential system is identified with a practice of mutual independence while parliamentarianism is characterised by a practice of 'mutual dependence'. This essential difference is necessary in determining the types of legislature-executive relationships, and understanding if the relationships would be restricted constitutional limitations in parliamentarianism, or dispute and extra-constitutional behaviour in presidentialism. At the same time, the legislature and the executive are seen as unified actors that are in competition to influence the results of policies (Stepan and Skach, 1993).

In the parliamentary system, there exists a nominal head of state exercising limited powers and functions as they are predominantly ceremonial. The holder of this office in the parliamentary system is addressed as president going by the German, Indian, Italian and also Nigerian examples in the First Republic. Such office holder in the United Kingdom, Sweden and Japan is a monarch. The prime minister on the other hand, heads the executive government, and is usually the leader of the party with the highest number of seats in the legislature. However, in presidentialism, the offices and functions of the nominal and political heads of state alike are vested by constitutional provisions in a single person known as the president. Thus in the presidential system, there is a simultaneous fusion of political powers and functions as a single person occupies what are two executive positions in the parliamentary system. The United States has a distinctive presidential system whereas that of Nigeria is not yet firm; it was operated in the Second Republic (1979-1983) and then 1999 to date (Linz, 1990; Shugart, 1992).

Under the parliamentary system, representatives are elected by the electorate of each constituency within the country and the legislature is the only elected institution within the sovereign territory. Under this system, bills debated on and approved by the legislature are directly passed into laws as they do not require the assent of a president to become laws. In the presidential system however, there is a direct election of the president by the electorate and not the legislative institution; thus signifying an obvious and distinctive separation of powers. The executive power in a parliamentary system is located in a cabinet with the prime minister as head and majority of other cabinet members selected from the parliamentary body to partake in conducting the state's activities. A large number of the cabinet members are usually legislators who, in addition to their law making responsibilities, take on executive duties. In the presidential system, holders of ministerial portfolios and departmental heads and chairmen or directors of agencies and commissions are held accountable to the president who gives them the appointments and at whose will they hold the offices. From the foregoing, it very clear that the nature as well as phenomenon of adversarial legislative-executive relationship is characteristically a feature of the presidential system. While parliamentary system operates on the basis of robust and fierce partisan debate in parliament, there is usually no friction between the arms of government.

Some scholars have pointed out that presidential systems are, by their inherent nature, unstable, unlike parliamentary regimes (Gerring, Strom and Moreno, (2012), Linz, (2014), Kanatli (016). Due to the rigid and inflexible constitutional underpinnings required by presidential system and the "winner-takes-all" electoral system, significant groups are usually excluded from effective participation and representation in government. When such significant voices and segments are shut out, it deepens feelings of alienation that feeds into governmental instability (Banks, 1976; Ann, 2003; Bennett, 1999). Shugart and Carey (1992) weigh in on the debate with the argument that in the literature on presidential system, some central factors such as regulations of election and institutional designs are ignored. Nevertheless, they categorise existing critical discourses on the presidential system of government as cutting across three groups, namely: the challenge of temporal rigidity (definite terms of office), the issue of dominance by the majority, and dual democratic legitimacy, having stated that the identification of these as challenges of presidential system of government is rather an overstatement. They contend that, based on evidence of regime breakdowns, the parliamentary system is more prone to atrophy and is not as stable and safe as some critics and scholars have argued. In addition, there has been an identification of, at least, four positive features of presidential system which are completely absent. Chris and Jennifer (2000:4) state these to include executive accountability, clear presentation of election results, availability of checks and balance mechanism, and the controlled powers of the president.

Lijphart (1999) on his part investigates the fundamental distinguishing institutional features of the parliamentary system. The first distinguishing feature is that, in parliamentarianism, the executive arm depends on the legislative branch for its existence; the former could be removed by the legislature with a vote of no confidence. This is not the case with presidentialism where the legislature cannot dismiss the executive without going through rather tough and cumbersome impeachment processes. The second distinguishing characteristic in parliamentary system is that, the majority party or majority coalition parliament appoints the members of the executive. This points out that the power of the executive stems from the legislative branch and that the former's general existence and exercise of powers is dependent on whether the majority group in the parliament is not displaced. This contrasts what obtains under presidential system in which the

chief executive, who serves for a fixed term, is directly elected by the citizens. Nevertheless, Hankler (2002) however, points out the irony of the parliamentary system. According to him, this system of government appears to be bound towards resulting in weaker legislature and stronger executive while the presidential system often result in gridlock in the governance process in periods of disagreement between the two arms of government.

Schlesinger (1992) and Lipset (1992) examine the factors that are responsible for this seeming incongruity in parlimentarianism. According to these scholars, because the executive's mandate is drawn from the legislative arm in parliamentary system, there is a necessity for firm party discipline in order to guarantee the stability of government. While party dissension or partisan interest in presidentialism could stop a piece of legislation from being passed into law, Hankler (2002) explains that the potential consequences of such dissension in parliamentarianism are very highly enormous. The executive institution in parliamentary system may collapse if they are not able to retain their majorities. The result of this therefore is that, as Cheibub (2002) explains, individual legislators in parliamentarianism are significantly under the pressure of voting with their respective party leaders, who are in many cases the same persons chosen in making up the executive.

Therefore, though parliamentary system grants the legislative body the ultimate prerogative of dismissing the executive, the power is a double edge sword which is rarely deployed to exert influences on every piece of legislation. In contrast, in presidential system, legislatures could very easily make threats of withholding their votes for a given bill in order to pressurise the executive to toe a particular line. This explains why Linz (1994) makes the assertion that presidential system is more prone to squabbles involving the law making institution and the executive than parliamentarianism. More so, the fact that the power to set is usually vested on leaders of the party in parliamentary system also adds to the strength of the powers reserved to the executive over the legislative branch (Hankler, 2002). Hankler also observes in the same line of thought that whereas the ideas of policies and bills usually have origins in the legislative arm in presidential governments, these functions are mostly vested in the executive body under parliamentary administrations. The outcome of granting this function

to lawmakers in presidential systems is that it significantly strengthens the presence and status of the legislative institution.

Hankler (2002) holds the opinion that owing to the separation of powers along the legislative and executive divisions, the former organ of government thus has at its disposal, properly formed, self-standing agencies that educate and enlighten them about bills, policies and other fundamental aspects of governance in presidential system. In contrast to this, in parliamentary system, the legislative branch usually relies on the executive for information; the effect of this is that it weakens the legislature's ability to criticise government's actions. Linz (1994), in his observation, identifies the advantage of the executive's supremacy over the legislative institution in parliamentarianism using particularly the example of the Westminster model which has a combination of a two-party system and plurality voting with parliamentary democracy. Going by his explanation, most presidential systems possess an institutional arrangement of majority representation ; therefore hardly differentiated from each other based on the system of elections. The reverse is the situation in parliamentary system in which various administrations have their distinctive systems of elections that could considerably impact legislature-executive relationships.

The proportional representation electoral arrangement in a democratic system where parliamentary system is practiced is examined by Lipset (1992) who argues that the regular dependent of governments on coalitions of the legislature requires the executive to consider the legislature's preferences in policymaking more carefully. However, though the legislature may not possess agenda setting power, it often exercises power of coercion over the executive. Therefore party discipline gives the executive immense liberty to go by any policy agenda in parliamentary system. This strengthens the invincibility of political administrations practicing parliamentary system farther above those practicing presidential system (Linz 1992; Lipset 1992; Lijphart 1999). Hankler (2002) comes to the conclusion that debates on the roles of organisational features in determining the nature of the interaction between the legislature and its executive counterpart by considering if the interaction is much more relatively cordial in one of the two systems is very useful for pointing out the contradictory principles of parliamentary

and presidential systems alike. Nevertheless, he also makes the assertion that for each weakness which could be found in either of parliamentary democracy and presidential government, there is also a value that is identifiable. In furtherance of this point, Hanker explains that the collegial system of cabinet government in the parliamentary system makes the inordinately powerful executive arm more democratic. He also identifies two germane points that are true in most circumstances. The first point is that, if things are in their proper perspectives, legislatures in presidential system have larger control of policymaking than those under parliamentary system. The second one explains the fact that the powers which legislative bodies have over executive institutions differs among various kinds of parliamentary governments, with proportionated structures of representation following the direction of enhancing higher political strengths for the legislature.

Nonetheless, those distinctions differentiating presidential government from parliamentary system have faced so much criticism because of the probability of a system wherein a president and a prime minister are held accountable to the legislature. Linz (1994) refers to such democratic system as semi-presidential. It is such political system that is practiced in post-1958 France, and also in such other countries as Zambia, Ireland, Switzerland, Portugal, Austria and Iceland. He notes further the practices in among these states; especially Ireland, Iceland and Austria tilt towards parliamentarianism more than presidentialism because their presidents' powers are comparably low. In contrast of this is the contemporary polity of France which represents a stronger president and a relatively weaker prime minister. In the same vein, Linz (1994) also identifies and discusses three dominant elements of a semi-presidential system. The first is the president's assumption of office via popular elections. The second is the possession of quite significant powers by the president. The third is the existence of the prime minister and a =ministerial council that have executive powers and could continue to exercise them as long as the parliamentary institution is not opposed to them.

However, it could be said that in recent times, there exists a better informed perspective on legislature-executive relationships in political systems based on the principles of democracy. This recent viewpoint, with respect to its emergence, is informed, to a great degree, by the

publication of two seminal works whose authors question the premise on which rests, the divided views of parliamentarianism and presidential system. Kaare Strom (1990) in his publication entitled *Minority Government and Majority Rule*, on the one hand, demolishes the theoretic and empiric arguments about the fundamental assumptions of seeking power which inform studies on parliamentarianism. To Strom, minority governments are usually not the outcome of abnormal parliamentary setups. Instead, he pursues the empirical argument and demonstration that with respect to the organisation of the legislative body and the electoral requirements for assuming office, policy-upholding and thoughtful political actors might not show interest in taking up portfolios in a political administration. Huber (1996) in on the other hand, questions the congruity of the concentration on conflict in most studies and opinions on the relationships between lawmakers and the executive government in democratic system. More particularly, Huber shows that confined activities of a legislature are not a weapon of the executive branch used against the legislature. Rather, in a government wherein the functionality of the executive body is dependent on its reliance on the supports of the majority of the legislative arm, the executive is supposed to be viewed as the majority's agent, and the executive's adoption of the powers of agenda of the legislature ought to be considered an instrument meant to serve the majority's interests.

These studies of the legislature in the United States constitute a major contribution to the reorientation on how parliamentary systems are viewed to operate. Strom's seminal publication highlights the advantage of a well-established committee system over a party's resolution on whether or not to be involved in the political administration. Huber applies existing official models used to evaluate the interrelationship between such committee types and the legislature in the United States to examine the legislature-prime minister relationships in parliamentary systems. These publications of Strom and Huber as well as some that come after them have indirectly impacted perceptions on presidential system. They raise questions on the presumed failure of presidents that do not have direct connection with the majority of the legislature in terms of partisan affiliation considering the fact that minority governments in parliamentarianism could work well.

To put in different way, if lawmakers were also inspired by the need for policymaking, presidents as well as prime ministers could find it easy to inaugurate coalitions of governing and policymaking. If confined processes of legislation were tools used by the majority group in the legislature to become organised in parliamentary systems, why would they be considered a means through which presidents launch attacks on, and underestimate the legislative branch in presidential systems? As evident in parliamentarianism, restricted processes of legislation structure the interrelationships of the executive arm, political parties and the legislatures, who must all work hand in hand in an effort to run a collective government and contend for the support of the electorates during election periods.

Considering this point of view therefore, questions about legislature-executive relationships in democratic administration are not about what instigate cooperation or conflict between them. Rather the questions are interested in the arrangements and strategic measures which enable executive bodies to get the backing of a majority in the legislative institution for the implementation of policy proposals. Owing to this reorientation in focus, legislative institutions are at the fore in the assessment of the interrelations between the executive and the legislature. It is the characteristics of the legislative procedure that are important in coming to terms with a majority organises in each of the arms and assumes effectiveness in the pursuant of the objectives of its policies. This is the case with no regard to how the executive gains and sustains its power. Though contrasts relating to the establishment and dissolving of regimes could count, these do not markedly divide democratic systems. Therefore, the differences in presidentialism and parliamentarianism have been considerably removed (Cheibub and Limongi, 2010).

The main argument here is that, the nature of institutional arrangement and the system of government under which a nation-state operates essentially influence the structure, tone and nature of legislature-executive relationships. The reason for this is that every political structure is characterised by distinctive principles that condition the behaviours of political actors. Consequently, these principles ultimately inform the quality of the interrelationship between the legislative branch and these powers. Moreover, the contention held on to here is that, every system assigns specific essential responsibilities and privileges to both the legislative and

executive institutions while some other measures in addition enhance cooperation or conflict between the two organs. In a similar vein, these systems each have some ambiguities which make it possible for an ambitious chief executive or an assertive legislative body to expand and strengthen their influence and power (NDI, 2000). The distinctions in the legal and official features of presidential and parliamentary systems, as explained by Shugart and Carey (1992) are central to the political repercussions of any state and ought to be considered theoretically before the introduction of either of these systems. It has been noted in a situation whereby leaders of the legislature and the executive body have different partisan affiliation, there will most likely be conflicts that could weaken the effectiveness of the government owing to disagreements on directions of policies (Murray: 1975). This argument must not be quickly taken as the absolute truth, because there have been various examples where the leaderships of both government institutions in question share partisan affiliation but remain stuck in perpetual conflicts.

2.5.2 Executive-Legislative Relations in the Fourth Republic

The occurence of legislature-executive conflicts in Nigeria's Fourth Republic, where the same party held sway at the centre and across many states should be considered. The People's Democratic Party (PDP), the most dominant party in the country until the 2015 General Election was constitutionally and politically comfortable without the expediency of alliance with other parties in forming and piloting the machinery of governance, unlike the case in the First or Second Republic. Historically, this was a unique development, an opportunity for leadership of both arms to operate hand in hand for the overall benefit of the nation. Unfortunately, narrow partisan interests defined sometimes in pecuniary terms, and, at other times, the sheer battle of wit and turf control, took the better of them. The PDP is not alone in this intra party/executive – legislative conflict. The unrest in the All Progressive Congress (APC) led government has similar lack of cooperation between the legislature and the executive.

Another way to approach the discourse on legislative-executive relations is to examine this relationship in the context of the assessment of the performance of the legislature vis-à-vis its constitutionally allotted responsibilities. It is apparent that a docile and dormant legislature that is

influenced by external forces will not raise an eyebrow when there are constitutional infractions or attempts to usurp and undermine the legislature. This is in contrast to an active legislative branch which is conscious of its duties to the citizens and insists on its independence. There are several theoretical postulations in assessing the performance of the legislature with respect to impingement on its relationship with the executive. One of such studies that engage this phenomenon of analysing legislative performance is by Mezey (1979). His comparative study and analysis of legislative performance across legislatures of the world divides legislatures into: Active; Vulnerable; Reactive; Marginal and Minimal. This categorisation was mainly based on the perceived contribution of various legislative institutions in the democratic governance process. According to Baba, some of Mezey's yardsticks for arriving at this categorisation includes: (1) which actors (executive or legislators) initiate bills that eventually become laws; (2) the policymaking power of the legislatures. Policymaking function in this context means, an assemblage or hybridisation of diverse stakes and requests in a community which are expressed during legislative procedures; (3) the level of support for the legislatures by the poli+tical elite and the public Mezey (2009).

Probing legislative performance however is largely anchored on how well the electorate are represented in government by the legislature. Thus the legislator-constituent relation is one of the dimensions for understanding legislative performance. To this end, the development of Constituency Development Fund (CDF), which is described as a specific type of public spending programme adopted in India, Kenya, Philippines and other emerging democracies, which provides budgetary allocations directly to individual legislators to spend on public projects in their respective constituencies is relevant in this analysis. In Nigeria, such arrangement, which is referred to as constituency project usually inserted into the annual budget, provides a perspective to the understanding of legislative performance and by extension also legislative-executive relationship. This is important because, in instances where such constituency projects are not executed for whatever reason, it has led to frosty relations between the two arms of government sometimes resulting in impeachment threats by the legislature.

In the literature, constituency services are usually linked to advantage of incumbency. That is, constituency services are taken advantage of by incumbent legislators to mobilise votes. Thus, Baba (2009), while referring to Levitt and Synder, explains that, constituency services enhance the functionality of the legislature as a representative institution linking the local needs to government, thereby underscoring the centrality of the legislature in democratic governance. Although lawmakers are not expected constitutionally to construct roads and build infrastructures, they ought to constantly pay visitations to their respective electoral districts to make consultations with their constituents so as to know appropriate motions and policy proposal to advance in the assembly. This is often not the case as they rely on few political loyalists whose report may not really represent the actual situation on the ground in their constituency. This perhaps explains the huge disconnection among the legislature, the policy proposals and bills they pursue and the people they supposedly represent. Some constituents also place unrealistic demands on their representatives at the legislature either because of prevailing poverty or misunderstanding of the roles of the legislature. Most constituents mix up executive roles with those performed by the legislature, expecting their legislators to build infrastructure and put food on their tables. It is against such erroneous yardsticks that most constituents judge and assess the performance of their representatives.

This mindset is conditioned most times by the legislators who out of desperation to win elections often promise what they cannot deliver. The point to note in this aspect of the analysis is that, the complex web of legislative-executive relations and legislative-constituent relations when fuelled by broken and unfulfilled promises on the part of legislators often put these lawmakers on the edge and trigger frosty legislative-executive relations. Legislative oversight also provides another theoretical vista to understanding legislative performance and a veritable tool to gauge legislative-executive relations. The task of oversight of the executive's engagements and those of other institutions remains an essential function of a legislature. In both parliamentary and presidential democracies, the conduct of oversight responsibilities distinguishes legislatures from other organs of government. While in presidential systems, oversight is carried out through establishment of specialised standing committees in the assemblies, in parliamentary system, the provision for "Question Time" in the parliament allows for detailed scrutiny on any policy and

programme initiated by the executive. This role therefore provides an avenue for reviewing the programmes of the executive and those of other agencies of government. In the words of Babawale:

> The ultimate goal of the oversight function is to check tendencies towards executive recklessness and the implementation of undesirable programmes and projects. As part of their oversight function, the legislature may conduct investigations into the activities of any governmental agency. They also keep watch over the spending of public funds by the executive. The supervisory authority of the legislature extends to public institutions established by law, such as public corporations and local authorities, or activities that are supported by public funds…in discharging these functions, the legislature must not necessarily be adversarial or subservient to the executive. Being critical of policies and activities of the executive is good for democracy as long as the objective is not for personal aggrandisement, political vendetta or grandstanding. Partnership must not also be mistaken for unbridled collaboration, acquiescence or complicity (Babawale, 2007: 59).

It is on this very perceptive submission by Babawale that the soft underbelly of the Nigerian National Assembly, after about a two-decade long unbroken practice of democracy, has been revealed. Conscious of their oversight role, the legislature especially at the national level is often quick to resort to this tool, to either settle partisan scores, blackmail or coerce the executive to do their bidding. It is also an avenue to extort and feather their nest from the various ministries, departments and agencies. Various putrid scandals have been reported in the course of this democratic dispensation involving the solicitation and collection of bribe and/or the harassment for such payment by members of the legislature from the executive. Some specific examples of these scandals include; the Farouk Lawan bribery allegation, the Elumelu power probe scandal and the Haman Hembe Capital market probe scandal. Some of these scandals and allegations ended up in the court of law but without conviction. Many public hearings into the activities of government agencies in the parliament are also conducted in hostile and charged atmosphere that openly displays the antipathy between the two organs of government.

The seeds of a frosty legislative-executive relationship were sown early on in the life of the previous democratic dispensation with the meddlesomeness of President Olusegun Obasanjo, in determining the leadership and presiding officers of the National Assembly. The same scenario played out at the state level where elected governors schemed to ensure the emergence of a preferred and mostly pliable state assembly leadership. From the outset therefore, there was clearly an agenda to muzzle and stifle the independence of the legislature and any attempt by members to assert their independence were interpreted as attempts to sabotage the executive. The overbearing influence and sense of executive insecurity has tended to define legislative-executive relationship since 1999. The external influence of interested party was responsible for the high turnover rate of senate presidents during President Obasanjo's tenure starting with Evans Enwerem, Chuba Okadigbo, Adolphus Wabara, Pius Anyim and Ken Nnamani. Clearly, the conflict-ridden executive-legislative relationship at the national level during this era affected the constitution process of governance and the delivery of the vaunted dividend of democracy to the citizen (Bassey, 2013; Yagboyaju, 2013; Oni, 2013).

2.6 Processes of Impeachment Proceedings under Sections 143 and 188 of the 1999 Constitution.

In any democracy nascent or advanced, legislatures play a vital role in the socioeconomic wellbeing of the people. Apart from their lawmaking function for which they are highly reputed, they also play crucial roles in policy formulation and execution through the legislative investigation committees and confirmation of appointments made by the executive. In addition to its lawmaking functions, the legislature also serves as a check on other arms of government through its oversight functions. These enormous constitutional responsibilities the legislature is charged with make them susceptible to abuse. One area where the possibility for abuse is most noticeable is in the use of the impeachment clause. The operation of the impeachment clause in the 1999 Nigerian Constitution has generated several legal and political controversies leading to litigation. Given the highly partisan nature of the body politic such altercations are perhaps to be expected. It is however baffling the extent to which constitutional provisions, meant to provide a last resort for the curbing of executive excesses, are easily resorted to by the legislature. Such frivolous use contrasts sharply with the two traditions from which Nigeria had borrowed the

impeachment clause from the British, as a result of the legacy of colonial rule, and the United States, along the lines of whose experience Nigeria's political elite fashioned the 1979 and 1999 Constitution as these climes have the most infrequent use of impeachment.

Impeachment, theoretically, is supposed to be triggered by grievous offences which violate the constitutional provisions of a state. These offences are usually ones that are punishable by law or political offences which devalue the dignity of government and its branches. Nonetheless, there must be proofs that such offences are committed before impeachment is commenced. It must not be based on patterns of individual behaviour and governmental mismanagement which have been in existence for a given period but hitherto undisclosed from the public. Suitable solutions to such cases could be found in both legal provisions on crimes and in the procedures of elections and legislation. Legal provisions on crimes are, at their best, empowered to punish or accomplish retributions, whereas impeachment is equipped to provide political security for a state. Of course, there have been individual actions which inevitably call for investigations that are part of the impeachment procedure. In the interests of the nation, nevertheless, reasons for impeachment must significantly have their roots in a national consensus and comprehensive principles of public policy and duty.

The provisions of the 1999 Constitution of Nigeria on the impeachment and/or removal of public office holders have been invoked with fervour and unusual glee in recent times. In some cases, reasons other than the breach of law or gross misconduct have been found to be behind the ouster of elected executive officers. In respect of this, there have been citations of several examples of outright procedural deviations and lawlessness. Undoubtedly, elected political officers especially in the rank of governors enjoy and exercise immense power, just as they, in certain cases, enjoy constitutional protection and immunity from legal prosecution as state in Section 308 of the 1999 Constitution in exercising these powers.

Unfortunately, the latitude afforded by the constitution has been used in a manner bothering on impunity, while deploying the machinery of government to perpetuate massive financial corruption and abuse of office. However, in almost all the gubernatorial impeachment cases under examination in this study, the component legislatures seem to have been considerably

triggered by partisan politics and were also engaged in intra-party rivalries that spread and took over the various parliamentary bodies in each state. The legislators in each state were divided into factions, thus reducing the impeachment process to a means of settling political scores. In every instance, the domination of each assembly by members of the concerned political party was enough to secure the use of the impeachment clause.

The impeachment of at least six state governors, several speakers of the state assemblies and some deputy governors cannot be attributed to chance. The relative ease with which proceedings that eventually culminated in the removal of these officeholders were conducted has given rise to doubts and questions about this important constitutional process. Impeachment is supposed to be proceeded on by the legislative branch, in consultation with the judicial arm, only for actions and omissions resulting in "gross misconduct" with respect to the exercise of powers and performance of the duties attached to a particular office. Gross misconduct is scantily defined in Sections 143(11) and 188(11) of the 1999 as "a grave violation or breach of the provisions of the Constitution or a misconduct of such nature as amounts, in the opinion of the National Assembly or a State House of Assembly, to gross misconduct." The perceivable ambiguities resulting from this undetailed information is not specific or direct about offences for which the concerned executive officials can be impeached on impeachment in the constitution give rooms for undue interpretations by the legislative arm. Therefore, this constitutional description of impeachment leaves the executive unduly under the dominance of the legislators by giving the legislative arm an exclusive power to determine what gross misconducts. In such a scenario, lithe and rash legislative bodies could take the advantage of this apparent weakness in the constitution to carry out impeachment based on reasons that are not worth it.

The constitutional provisions for the removal of persons elected to hold and exercise executive powers as contained in Section 5 of the constitution are found in Sections 143 and 188. It is required under the sections that anytime a written notification of an allegation, signed by at least one-third of the lawmakers of the legislature involved, is put forward to the Senate president or the speaker of the House of Assembly as the case may be, that the officeholder is culpable for gross misconduct in the exercise of his official duties and responsibilities, the president of the

Senate or the House of Assembly's speaker, in a space of seven days of receiving it, get a copy served to the officeholder in question and to each member of the legislature. If the officeholder makes any statement in response to the allegation, the Senate president or the speaker of the House of Assembly shall also get it served to all lawmakers in the legislative chamber.

According to sections 143(3) and 188(3), each house of the National Assembly or the state House of Assembly involved, shall, by motion, but without debate, resolve if the indictment levelled against the officeholder shall be investigated or vice versa. The legislature's motion for the investigation of such indictment must not be considered passed, until it wins the supports of at least, two-thirds majority of lawmakers in the concerned legislature. If the motion to investigate the concerned officeholder is passed, then the Chief Justice of Nigeria or the state's Chief Judge, in the case of component government, shall upon the directive of the Senate President, or the Speaker of the House of Assembly of the state, set up a panel of seven members to look into such allegation within seven days. The members of this panel shall, in the opinion of Nigeria's chief justice or the state's Chief Judge, be individuals of indubitable dignity who are neither holding an officer in the public service nor are serving in a legislature or have any partisan affiliation.

However, the issue of "without debate or not" stipulated by Section 188 Subsection 3 of the Nigeria Constitution has elicited controversy among scholars and constitutional lawyers. The intendment of the drafters of the constitution was very clear in not explicitly pinning it down to either of the divide of debating or not debating. This was perhaps deliberately designed to avoid duplication as the process of impeachment of a state governor follows the first three stages before such process is terminated or proceded. The first stage is when a petition signed by one-third of the lawmakers of the state concerned is accepted by the speaker, and is considered the foundation of the process as contained in sub-section 1-3. It then means that once such an allegation or petition is tabled before the house and a motion has been resolved in either way, the process has to continue or discontinue. Though the constitution is not clear if the resolution of the motion is debated or not, the process as contained in sub-section 8 that specifically states that the allegation on the executive officer not be proven by the report of the seven-man panel, the

impeachment process automatically seizes. The fact that the allegation was subjected to a motion, a debate may not be necessary.

Under Section 143 (5) and Section 188 (5) of Nigeria's constitutional provisions, power is vested in the chief justice of the federation or, in the case of component government, the chief judge to inaugurate a panel of inquiry consisting of seven persons at the request of either the Senate president, or the speaker of the House of Assembly. This discretion is entirely for the chief justice or judge to appoint these ones as he is not bound to confer with the Senate president or the speaker of the concerned state assembly to perform this function.

The power must be exercised fairly, validly and without fear or favour. For example, where there is evidence that a member of the panel is an employee of the State, the discretion as to his appointment cannot be said to be validly exercised. It has been said that a person who has publicly commented on the conduct of the public officeholder and has strongly condemned same cannot rightly be a member of the panel of inquiry. To empanel such a person is to give him a long awaited opportunity to articulate his detestation, and to vent his anger on the accused person who he has already condemned in his mind. These are safeguards that have their root in the constitution.

Where the panel reports that the allegation cannot be established, no new actions of investigation or prosecution must be taken with regard to this allegation. Nonetheless, if the allegation is proved, then, the Senate or the appropriate state legislature, shall within 14 days, consider the panel's submission which, if approved, will cause the removal of the officeholder from the date of the adoption. There is an opportunity in all of this for the officeholder to present his own side of the case either personally or through the appropriate legal personnel. However, the panel's proceedings or resolutions, as well as those of the National Assembly or the concerned state legislature shall be referred to or entertained in any court. No issue related to the impeachment shall, in fact, be made a question of litigation. Once the panel reports its findings, the matter ends. A number of public officeholders especially state governor have been removed supposedly for gross misconduct under the impeachment process. Gross misconduct in this case, means a

grave violation or breach of the provisions of the Constitution or a misconduct of such nature as amounts in the opinion of the National Assembly or State House of Assembly, to be gross misconduct (Egwu, 2005).

2.7 The Politics of Impeachments and its Implications on Peace and Security in Nigeria

Impeachment, in its understanding as a provision put in place to evict executive officeholders found guilty of a grave allegation, became a legal and political lexical category in Nigeria in the Second Republic which ushered in presidentialism which the country just embraced from the United States. The provision was given a constitutional expression to be a check on the abuse of powers and arbitrariness by immune officeholders in order to ensure and assure accountability, transparency, and stability in government (Oni, 2013; Omotola, 2013).

In England, the concept and practice of impeachment is rooted in antiquity. In the early medieval period (before A.D. 1300), a primeval form of impeachment, developed in England. In some of these impeachment cases during this period, however, the role of the Parliament often seemed to have been simply to ratify, or agree to, a judgment made by the monarch head against an official or other subject. This might have served as a sort of "rubber stamp" that allowed the king or queen to avoid creating the impression of tyrannical behaviour by disguising his or her intentions as a governmentally reviewed and approved course of action. It was not until 1376 that a Parliament-driven impeachment process would emerge in England. In that year, two English subjects were impeached by the Parliament one, a noble and the other, a commoner and London merchant.

Both the noble, Lord William Latimer, and the commoner, Richard Lyons, were accused of misusing royal funds for personal interests (Murphy, 2007). The important aspect of these two impeachments is that the Parliament, rather than the king, initiated the proceedings. In fact, some historians believe, as also pointed out by Murphy (2007), that it is because the king, Edward III, showed so little interest in punishing Latimer and Lyons for their corruption that the Parliament felt the need to step in and seize initiative of the impeachment process. Since then, a few others including Warren Hastings in 1788 and Lord Melville in 1805 were impeached by the Parliament (Omotola, 2006). In the USA, while there had been cases of impeachment of federal judges from

office, that of the President never happened until February 24, 1868 when radicals and moderates in the House joined to impeach the president. Charges of "high crime and misdemeanour" were made against President Johnson, with emphasis on alleged violations of the Tenure of Office Act (Omotola, 2006: 188). In advanced democracies, impeachment is a political sword that is used sparingly, largely because public officers have imbibed the ethics and mores of their offices and the cost of the breach of the code of conduct is often too high a price to bear.

Little wonder then, that in more than two centuries of the practice of democracy in the United States, there has only been one successful presidential impeachment; this was in 1868 against President Andrew Johnson. President Richard Nixon resigned from office with respect to the Watergate scandal with his impeachment imminent, while President Clinton's impeachment processes were stalled in the Senate, although the House of Representative successfully impeached him on his affair with Monica Lewinsky. At state level in the United States, eight governors have suffered impeachment, with the most recent being that of Evan Mecham of the State of Arizona in 1998 (Ologbenla, 2007; Omotola, 2006). In Nigeria, Alhaji Abdulkadir Balarabe Musa of Kaduna State holds the record of being the first elected executive governor to suffer from the application of impeachment clause in Nigeria's Second Republic. An allegation of gross misconduct was levelled against him by the state's legislature dominated by the opposition party, and he was found culpable for this. Nevertheless, the first elected official in the political history of Nigeria to suffer from the impeachment clause was the speaker of the then Ondo State House of Assembly, Chief Richard Jolowo, who was removed from office having being found culpable for allegations of fraudulence, overbearingness and gross misconduct as reported by *The News*, July 12-17, 1999 (Oni, 2013). Kano State deputy governor, Alhaji Abba Dabo, was also impeached in the Second Republic after being caught in a web of disagreement between Governor Abubakar Rimi and the leader of the People's Redemption Party, Aminu Kano. Despite diverse impeachment threats against public officers in the Second Republic, only these three officeholders were removed from office.

The on-going democratic politics has witnessed a steep rise in the number of executed impeachment proceedings. In the period covered in this study, six governors and up to ten

deputy governors have been impeached from their offices. The governors include Diepreye Alamieyeseigha of Bayelsa State; Ayo Fayose of Ekiti State; Rasheed Ladoja of Oyo State; Joshua Dariye of Plateau State; Peter Obi of Anambra State and Muritala Nyako of Adamawa State. The deputy governors that have forfeited their positions to the impeachment clause are Abubakar Argungun of Kebbi; Iyiola Omosore, of Osun; Eyinnaya Abaribe, Ebere Udeagu, Chima Nwafor, all from Abia state, Abiodun Aluko and Abiodun Olujimi of Ekiti State; Okey Udeh of Anambra State; Peremobowei Ebebi of Bayelsa State and Olufemi Pedro of Lagos State.

About three deputy governors also received the threats of imminent removal and got pressured to resign. These deputies include Kofoworola Akerele Bucknor of Lagos, Obong Christopher and Emah Ekere of Akwa-Ibom, and Paul Alabi of Ekiti State who was deputy to Niyi Adebayo. Some other governors received threats of impeachment but struggled hard to overcome them and remain in office. Such governors include Chimaroke Nnamani of Enugu State, Mala Kachalla of Bornu State; Bisi Akande of Osun State and Boni Haruna of Adamawa State (Omotola, 2006). Similarly, in all the thirty-six state assemblies, nearly all the speakers or their deputies were either impeached or got threatened in the Fourth Republic. For instance speakers and deputies alike suffered impeachment in such states as Abia, Bayelsa, Delta, Edo, Enugu and Oyo, while in some other states like Kano, Borno and Sokoto even those who replaced their impeached colleagues also suffered the same fate. It was in this period, exactly 28th February, 2006, that the Ondo State House of Assembly broke the record of impeaching its speaker, Victor Olabamitan, and replacing him with Oluwaseguntola Bolarinwa who also experience the same fate in 28 hours of assuming the position, while Olabimitan got back his position (Omotola, 2006).

A similar scenario played out at the National Assembly with the impeachment of the first two Senate presidents, Evans Enwerem and Chuba Okadigbo in quick succession, while the third occupant, Pius Anyim Pius barely escaped the sledge hammer. The fourth president of the Senate, Adolphus Wabara was quick to resign in order to stall his imminent removal. He was caught in the web of the scandal involving the alleged taking of bribe from then minister of education, Fabian Osuji so that the budgetary allocation to his ministry would be upgraded. In contemporary Nigerian discourse, this is called “budget padding”. In the same instance, the first

speaker of the House of Representatives, Salisu Buhari, having been alleged of forging of certificate and falsification of age, hurriedly resigned from office. He was accused of certificate forgery and age falsification. His successor, Ghali Umar Na'abba got impeachment threats several times because of his principled stand on the independence of the legislative arm (Oni, 2013). In one moment of exasperation, Na'abba is said to have complained loudly thus:

> First, in spite of the all the progress in Science and Technology, Nigeria is still battling with the vestiges of a traditional society where age and other primordial factors still count. Secondly, we are just emerging from a prolonged military rule, where the legislative, executive and to a great extent, even judicial functions were vested in one institution. The consequence is that a great number of our political actors and even ordinary Nigerians, have found it increasingly difficult to come to real terms with the fact that the principle of separation of powers is a sine qua non for the success of any democratic system. The legislative arm of government is therefore viewed with contempt and in most cases as an unnecessary luggage that has to be grudgingly carried along (Alabi, 2008).

President Olusegun Obasanjo was also threatened with impeachment; two intriguing episodes during that era are worth highlighting. The legislature in August 2002 issued an ultimatum of fourteen days to the president to resign or face impeachment over several alleged constitutional breaches. The legislature however backed down after the mediatory efforts by two former leaders, former President Shehu Shagari and former Head of State, Yakubu Gowon. The second major episode that brought the Obasanjo administration almost to a head-on collision with the legislature was his attempt to alter the constitution and elongate his tenure from the constitutionally stipulated two terms. The legislature again truncated that plan and the president was forced to immediately start the process of headhunting for his successor. Between 1999 and 2011, up to 20 speakers, 10 deputy speakers, five governors, ten deputy governors and two senate presidents have suffered impeachment (Nwabueze, 2007, Animasawun, 2012).

Table 2.1 IMPEACHED GOVERNORS IN NIGERIA

S/N	NAME	STATE	DATE	ALLEGED OFFENCES	OUTCOME(S)
1.	ALHAJI BALAREBE MUSA	OLD KADUNA	1981	(1) High-handedness (2) Failure to constitute executive council.	(1) Civil disturbances (2) Civil disobedience (3) Balkanisation of the state. (4) Brake down of law and order.
2.	CHIEF DIEPREYE SOLOMON PETER ALAMIEYESEIGHA	BAYELSA	9th December, 2005.	(1) Money Laundering. (2) Corruption (3) Failure to inform state legislators before foreign journey. (4) Self-enrichment. (5) Jumping of bail in London, UK.	(1) Civil disturbances (2) Brake down of law and order. (3) Increase in militancy in Niger Delta. (4) Polarisation of political actors.
3.	ALHAJI ADEWOLU RASHIDI LADOJA	OYO	12th January, 2006	(1) Corruption (2) Diversion of state funds to private account. (3) Money laundering. (4) Failure to swear in a Local Government council chairman.	(1) Civil disturbances (2) Brake down of law and order. (3) Lives lost. (4) Polarisation of political actors.
4.	CHIEF JOSHUA CHIBI DARIYE	PLATEAU	13th November, 2006	(1) Corruption (2) Money Laundering. (3) Diversion of Ecological Funds. (4) Jumping of bail in London, UK.	(1) Civil disobedience. (2) Loss of lives. (3) Religious dichotomy. (4) Polarisation of political actors.
5.	MR PETER OBI	ANAMBARA	2nd November, 2006	(1) Incompetence. (2) High-handedness. (3) Corruption	(1) Civil disobedience and disorder. (2) Polarisation of political actor.
6.	AYODELE PETER FAYOSE	EKITI	6th October, 2006.	(1) Corruption. (2) Diversion of state poultry funds. (3) High-handedness. (4) Self-enrichment.	(1) State of emergency. (2) Civil disobedience/disturbance. (3) Polarisation of political actors.
7.	ALHAJI MURTALA NYAKO	ADAMAWA	15th July, 2014.	(1) Corruption (2) Self-enrichment (3) High-handedness.	(1) Civil disobedience. (2) Brake down of law and order. (3) Litigations.

Sources: Reseacher's Field Work.

Table 2.2 IMPEACHED SENATE PRESIDENT IN NIGERIA 1999

S/N	NAME	STATE	DATE	ALLEGED OFFENCES	OUTCOME(S)
1.	SENATOR EVANS ENWEREM	IMO	1999 – November, 1999.	(1) Corruption. (2) Falsification of name.	Polarisation of the Senate.
2.	SENATOR DR. CHUBA OKADIGBO	ANAMBRA	November 1999 – August, 2000.	(1) His emergence was not blessed by president Obasanjo. (2) He was perceived as threat to the presidency.	(1) Polarisation of the Senate. (2) Seizure of the Mace to his private residence. (3) Civil disturbances.

Source: Reseacher's Field Work.

Table 2.3 IMPEACHED SPEAKERS

S/N	NAME	STATE	DATE	ALLEGED OFFENCE(S)	OUTCOME(S)
1.	RT HON. MARTINS AZUBUIKE	ABIA	2016	(1) Financial recklessness.	(1) Polarised the house. (2) High-handedness.
2.	(1) RT. HON. HEINEIKEN LOKPOBARI (2) RT. HON. BOYELAYEFA DEBEKEME	BAYELSA	2001 2005	(1) Financial recklessness. (2) High-handedness. (1) Failure to attend official functions.	(1) Polarisation of the house. (2) Civil disturbance. (3) Violence.
3.	RT. HON. MONDAY IGBUYA	DELTA	11th May, 2017.	(1) Financial misappropriation. (2) High-handedness.	(1) Balkanisation of the house. (2) Suspension of some members.
4.	RT. HON. JUSTIN OKONOBOH	EDO	2018	(1) Corruption. (2) High-handedness.	(1) Civil disturbance. (2) Violent clashes.
5	RT. HON. EUGENE	ENUGU	4th May 2015	(1) Action bringing the house disrepute. (2) Legislative rascality. (3) Recklessness	(1) Factionalisation. (2) Suspension of some members.
6.	(1) RT. HON.ABDULAHI ATTA (2) RT. HON. KABIRU RURUM	KANO	30th July, 2018.	(1) Corruption. (2) Late coming to office. (3) Running A-one-man show.	(1) Polarisation of the house. (2) Closure of assembly. (3) Civil disturbance.
7.	RT. HON. GONI MODU	BORNO	10th February 2012	(1) Subservient to the executive. (2) Inaccessible to by the members. (3) Incompetent.	(1) Factionalisation of the house.

Source: Reseacher's Field Work.

Table 2.4 IMPEACHED DEPUTY GOVERNORS IN NIGERIA

S/N	NAME	STATE	DATE	ALLEGED OFFENCES	OUTCOME(S)
1.	ABUBAKAR ARGUNGU	KEBBI	December, 2002.	(1) Misdemeanour. (2) Defected from ANPP to PDP.	(1) The state was factionalised (2) litigation.
2.	IYIOLA OMISORE	OSUN	November 2002	(1) Breach of oath of office. (2) Conflict of interest.	(1) Factionalisation of the House members. (2) Litigation. (3) Civil disobedience.
3.	EYINNAYA ABARIBE	ABIA	2000 March 14th, 2003.	Gross misconduct.	(1) Factionalisation of the House members. (2) Litigation
4.	EBERE UDEAGU	IMO	November 2002.	(1) Gross misconduct. (2) Corruption. (3) Abuse of office.	(1) Polarisation of the house of Assembly of Imo state. (2) Litigation.
5.	CHIMA NWAFOR	ABIA	February 14th, 2006.	(1) Gross misconduct.	(1) Mayhem. (2) Civil disturbance and public disorder. (3) Litigation.
6.	ABIODUN ALUKO	EKITI	28th September, 2005.	(1) Gross misconduct. (2) Corruption. (3) Insubordination	(1) Balkanisation of political actors.
7.	ABIODUN OLUJIMI	EKITI	October 15th 2006.	(1) Corruption. (2) Diversion of state poultry fund.	(1) State of emergency. (2) Factionalisation. (3) Civil disturbances.
8.	OKAY UDEH	ANAMBRA	9th September, 2003.	(1) Gross misconduct. (2) Plot to forcefully remove governor Ngige.	(1) Civil disturbance and civil disorder. (2) Brake down of law and order.
9.	PEREMOBOWEI EBEBI	BAYELSA	25th June 2010.	(1) Gross misconduct. (2) Disserting office. (3) Wilfully abandoned his office. (4) Corruption.	(1) Protest (2) Civil disturbance. (3) Litigation. (4) Suspension of some members.
10.	OLUFEMI PEDRO	LAGOS	10th May, 2007.	(1) Gross misconduct.	(1) Litigation.

Source: Reseacher's Field Work.

For this study however, focus is placed on the three selected governors that lost their gubernatorial seats through the instrumentality of impeachment. Most of these governors were restored to office by the judiciary because of the faulty constitutional process of their removal. The first governor to suffer impeachment in this dispensation was DSP Alamieyeseigha of Bayelsa State; he was removed from office on the 9th of December 2005 on allegation of

corruption and money laundering. Other governors who suffered similar fate include Rashidi Ladoja of Oyo State, Ayo Fayose of Ekiti State, Peter Obi of Anambra State, Joshua Dariye of Plateau State and more recently, Muritala Nyako of Adamawa State (Ologbenla, 2007; Olurode, 2007; Omotola, 2013; Oni, 2013; Nwanegbo, 2013; Adetoye, 2013).

The genesis of Alamieyeseigha's impeachment started with his arrest at London's Heathrow Airport on September 15, 2005 by the London Metropolitan Police on the indictment of money laundering. On the 20th of November 2005, Alamieyeseigha stunned the nation when he beat United Kingdom security and then returned to Nigeria. In front of a hysterically jubilant crowd of supporters in Yenogoa on the 22nd of November, he is quoted to have told the crowd, "I cannot tell you how I was brought here. It is a mystery. All glory goes to God." Aware of his imminent removal, he is also said to have retorted, "If I am corrupt, did I steal Federal Government money? Or is my state complaining that I stole its money? ... The Federal Government does not have the right... if I stole from my state; the House of Assembly is the right organ to prosecute (Animasawun, 2012: 280). Ologbenla asserts that:

> The impeachment plan against Alamieyeseigha commenced amidst threats by Ijaw youth groups who vowed to halt it even with their blood. Because of the threats by Ijaw youths, the lawmakers relocated to a secret place in Lagos where they commenced impeachment proceedings against the governor, contrary to the constitution that specified that such a sitting should take place in the House of Assembly (Ologbenla, 2007: 84).

Had alarms on financial mismanagement by political officeholders not becoming very high, accusations of pecuniary fraudulence that culminated in the impeachment of Governor Diepreye Alamieyeseigha, would have been dismissed. Nonetheless, in a society with prevalence of corruption seemingly elevated to a way of life for public officials, only a man with clean hands will remain unscathed. As Bayelsa State governor in the height of the Niger Delta crisis, Alamieyeseigha was well-known owing to his populist stand during the period. Known as the Governor General of the Ijaw people, Chief Diepreye Alamiyesigha's pitching of tent against former President Olusegun Obasanjo marked the start of his dilemma. Given the famed

vindictive tendency which President Obasanjo is known for and the overbearing influence of the federal powers in the polity, Alamieyesiegha's claim about his removal being plotted by the Obasanjo is indubitable (Kumolu, 2014).

To the chagrin of keen observers, the federal government indeed deployed its executive influence to facilitate Alamieyeseigha's impeachment. Those that opposed this display of executive lawlessness argued that their complaint was not against the veracity of the accusations of financial misconduct against Alamieyesiegha, but against the flagrant disregard of every known law guiding the impeachment procedure. The Bayelsa State legislature that eventually impeached Alamieyesiegha sat, for the most part, outside the state and was only railroaded into Yenagoa under heavy security to finalise the process. It was this scenario that marked the beginning of the use of federal influence to impeach or threaten a governor had held a contradictory position with the presidency on any matter (Kumolu, 2014).

Following from the federal government aided impeachment in Bayelsa State, the circus show shifted to Oyo State with the removal of Governor Rashidi Ladoja. In that impeachment crisis, the narrative was woven around the godfather versus godson disagreement centering on the sharing of public offices and the state security votes. However the disagreement also afforded the presidency of Obasanjo the opportunity to take a pound of flesh against the sitting governor because of the latter's ambivalent stand on his tenure elongation agenda. This led to the polarisation in the state assembly between the pro-Adedibu legislators known as the G18 and the remaining twelve assembly men who were with the governor (Omotola, 2007). The godfather in question, Lamidi Adedibu, is quoted to have asserted that:

> ...Collecting N65 million as security vote every month. You know that governors don't account for security vote. He was to give me N15 million of that every month. He reneged. Later it was reduced to N10 million. Yet he did not give me (Kumoku, 2014).

Ladoja refuted the claims of Adedibu by denying that he did not reach such agreement with him. The former governor is also said to have averred that:

> We did not reach any agreement about sharing money. When he asked me about his own share, I asked him under which account should I put it… The understanding of both of us about what governance is supposed to be differs. The difference is that I see governance as service while he sees it as business (Kumoku, 2014).

The lawmakers that impeached Governor Ladoja, relocated to a popular hotel in Ibadan metropolis. At the end of 2005, the G18 lawmakers supporting Adebibu went on trying to effect the impeachment of Governor Ladoja. The first attempt of the G18 pro-Adedibu lawmakers to access the House of Assembly and commence the impeachment proceedings led to a gunfight right inside the building of the state's assembly. Some lawmakers were stabbed and wounded, while some brought out arms and shot into the air to keep away attackers from the opposing faction and no one was arrested by the police. After a week, armed policemen escorted the pro-Adedibu lawmakers from their base at a popular highbrow hotel to the state's parliamentary chamber to again impeach the governor. Gunfight ensued between the police and armed thugs who were in support of the embattled Ladoja. The thugs apparently did not want the G18 lawmakers to have access into the House of Assembly but the latter eventually succeeded in this, and went on to vote for the setting up of a panel that would look into the accusation of gross misconduct levelled against Ladoja. Three weeks later, on January 12, 2006 the G18 unanimously voted out Governor Ladoja from office, while putting his deputy and loyalist of Adedibu, Christopher Alao-Akala, as a replacement (HRW, 2007; Oni, 2013).

While the law required at least 22 legislators out of the 32 members to effect the impeachment exercise, 18 legislators deliberated on the report of a hurriedly constituted investigative panel on accusations of gross misconduct and subsequently impeached the governor. The impeachment debacle depicted how petty political differences between erstwhile comrades and associates could become state affair resulting in the deployment of a constitutional instrument of impeachment. Governor Ladoja was reinstated to office after eleven months to complete his tenure after judicial fireworks that went up to the Supreme Court in December 2006. The highest court in the country upheld the ruling of the Court of Appeal and reversed the removal describing the process as illegal as it did not have the supports of two-thirds majority of the legislative body (Animasawun, 2012; Oni, 2013). Section 188 of the 1999 Constitution states that, a motion to

impeach an incumbent governor, including the vote to set up an investigative panel to look into the accusations of misconduct, which could instigate the removal must have the supports of two-thirds majority of the whole parliamentary chamber. The anti-Ladoja legislators simply disregarded this constitutional provision, arguing untenably that only a two-thirds majority of those present during the conduction of the vote was needed.

In Anambra State, after successfully prosecuting the legal battle to retrieve his stolen mandate at the tribunal and the Appeal Court, Peter Obi became Governor on March 16, 2006, under the banner of the All Progressive Grand Alliance (APGA) with a hostile legislature populated by the opposition party, the People's Democratic People. The PDP-dominated house became polarised between the pro-impeachment group and those against it. The pro-impeachment group relocated to a hotel in Asaba and only returned to the Anambra State capital on November 2 accompanied by a detachment of mobile police and impeached the governor on grounds that he violated his oath of office (Ologbenla, 2007; Nwanegbo, 2013). Notably, when Governor Peter Obi of Anambra State hosted President Obasanjo during a state visit, hardly was the former aware that President Obasanjo had come to work on getting him evicted from his gubernatorial seat (Oni, 2013). In his regular jocular way, President Obasanjo told the governor that he (Obasanjo) would not support the re-election of Obi for a second term except the latter joined the PDP.

Eventually, Obi was impeached on November 2, 2006, the following day after Obasanjo's visit after just seven months in office. Anambra State legislators were reported to have had a meeting with some presidency representatives in Asaba, Delta State, and then returned to Awka in the accompaniment of heavy security made available by the mobile police unit. The lawmakers arrived in Awka at 5 o'clock in the morning and, afterwards, began a parliamentary session. The state legislators, having got the report of a panel of inquiry that was said to have been constituted to make investigative enquiries about the governor, had a one-hour deliberation or thereabout, and concluded on impeaching the governor. Although the governor was reinstated by the court, analysts and observers are of the belief that his impeachment materialised owing to the influence of the PDP-led presidency (Oni, 2013; Kumolu, 2014). Notably, the defect in the constitution about gross misconduct, legislators' selfish ambitions, various political plots and interests, in

addition to the tendency of concession in some lawmakers as against their oath of office, fuelled illegal proceedings resulting in impeachment (Onuoha, 2006).

Governor Ayodele Fayose of Ekiti State was removed by the state lawmakers on allegations of corruption, abuse of office and gross misconduct. After the impeachment, a power tussle ensued between the deputy governor and the speaker of the state assembly with both of them laying claim to the governorship seat. A state of emergency was declared in the state on October 19, 2006 and Brigadier-General Tunji Olurin (rtd) was made sole administrator by President Obasanjo (Ologbenla, 2007; Adetoye, 2013; Olurode, 2007). Having been confronted with allegations of misappropriation of funds and murder, embattled Governor Ayodele Fayose was at war with physical and abstract forces alike in an imbroglio that became rather comical at a point. What resulted in Fayose's impeachment began when he had fallen out with President Olusegun Obasanjo, whom he used to be very close to, making the latter to use the Economic and Financial Crimes Commission, (EFCC) against him. The impeachment of Ayodele Fayose alongside his deputy, Mrs Biodun Olujimi, on 6th October, 2006, resulted in a scenario akin to a Nollywood script so to speak. The ambition of the then speaker of the state's legislature, Friday Aderemi, to occupy the office of the governor led to his refusal to follow the presidency's directive of impeaching only Fayose and sparing Olujimi, his deputy. This led to a situation where Olujimi and Aderemi both laid claim to the governorship seat, culminating in Obasanjo's national broadcast where he claimed the state was experiencing anarchy, declared a state of emergency, and then on 19th October, 2006, appointed a sole administrator in the person of Brig-Gen. Adetunji Olurin (rtd) for the state(Kumolu, 2014).

It is instructive to note that in Ekiti State, just as witnessed in Bayelsa and Oyo, the State Assembly was manipulated by the federal interest to achieve a pre-determined outcome that was principally geared towards settling political scores and in flagrant underestimation of the sections of the constitution that state impeachment proceedings should be conducted. Onuoha contends that the Ekiti State House of Assembly that impeached Ayo Fayose disregarded an existing ruling by the Chief Justice of Nigeria against the proceeding. The legislature instead chose to act out the script prepared for it by the presidency (Onuoha, 2006).

In Plateau State, only six out of the twenty-four legislators in the state's assembly executed the removal of Governor Joshua Dariye. The lawmakers served the impeachment notice on the governor on October 5, 2006, after they had received allegations of financial mismanagement and money laundering pending against the governor from the Economic and Financial Crime Commission (EFCC). Proceedings resulting in the impeachment triggered a clash between the riot policemen deployed to Jos to provide cover for the assembly men and some protesting youths (Ologbenla, 2007; Gwarzo, 2013). Typical of Nigerian politicians, the governor of the state had hitherto never been far from controversial issues. His name was usually appearing in news items with negative impressions. All the same, whether Dariye was culpable for these wrong doings or not is another thing. The involvement of the international scene after Dariye's arrest on the allegations of money laundering in Britain made him prone to the sledgehammer of the then presidency (Kumolu, 2014). Thus, using accusations of pecuniary malfeasances against Dariye, the state legislature commenced steps to impeach him. Nevertheless, only few members of the state assembly were bent on impeaching the governor; other legislators who constitute the majority were strongly against this step. In spite of this, as though to demonstrate the disregard for the provisions of the constitution, six lawmakers in the state's legislature went ahead to impeach the governor on November 13, 2006. Without the influence and backing these six lawmakers had from the federal government, the impeachment would not have been possible given that their number was below the stipulation of the constitution. Although Governor Dariye regained his seat after several legal procedures, his was already at a time his tenure was about to elapse.

The impeachment of Muritala Nyako of Adamawa in July 2014 also fits into the fiery and high wired politics witnessed in the dispensation of Dr Goodluck Jonathan. Nyako, a retired admiral and former chief of Naval Staff, became an occupant of the Adamawa's gubernatorial seat in April 2007. In February 2008, a petition to nullify his electoral victory was approved by the tribunal. In the rerun election, nonetheless, Nyako won across the twenty-one local government areas in the state and thus, resumed as the governor on 29 April, 2008. Shortly after his assumption of office, the state's legislature began an impeachment move against him. This could

have been successful if the late President Umaru Yar'Adua had not intervened. The governor's relationship with the state's assembly subsequently improved to the extent that the legislature passed a vote of confidence in the governor on March 2010. The governor was voted in again for a second term in 2012, and was impeached by the state's assembly on July 15, 2014, after the legislature had deliberated on and agreed with the report of a panel that investigated the accusations of pecuniary impropriety against Nyako (*Premium Times Newspaper*, 2014). The governor was elected with the ticket of the People's Democratic Party but was among the five incumbent governors that cross-carpeted to the then newly formed opposition party, the All Progressive Congress (APC) together with scores of the state assembly members. However, most of the lawmakers defected back to the PDP and then commenced impeachment proceedings against the governor. While charges of gross misconduct were brought against Nyako, the overwhelming perception was that, the impeachment was not unconnected with his defection to the APC. With is impeachment imminent, Nyako fled the country and only returned after the last general election was won by the party he defected to shortly before his travail began.

Shortly before Nyako's impeachment, his deputy, Bala Ngilari, tendered his resignation letter. Ngalari's letter of resignation was read at a parliamentary session by the speaker of the house, Umaru Fintiri, and it was approved by the legislators. More so, the APC chapter of Adamawa alleged that Murtala Nyako's impeachment is as a result of his refusal to grant request of the state's lawmakers of about N1.25bn for constituency projects. The Adamawa State chairman of the APC, Hon. Binta Masi Garba, in a press briefing at the party's state secretariat in Yola, said Governor Nyako had refused to grant the request of the lawmakers, telling them he could only afford N500million for the constituency projects. Feeling offended by this, the lawmakers thus went on to carry out the impeachment move planned by the PDP. Hon. Binta Masi Garba explained that Nyako had released N350 million to the state legislators before the impeachment but they were not pacified and went ahead to impeach him. She added that the removal of Nyako was a ploy by the PDP to coerce the opposition into joining their party (Ikeke, 2014).

On the 11th of February 2016, Nyako's removal was voided by a five-man panel of the Appeal Court judges in the Yola Division of Federal Court of Appeal, ruling that it did not follow

the stipulations of the constitution. The five judges ruled unanimously that the state legislature breached the provisions of the law and broke the fundamental rights of the impeached governor through unlawful removal and denial of fair hearing in the cause of the impeachment. The Court of Appeal argued that the governor was not notified about the impeachment proceeding as contained in the constitution before the lawmakers began it Muheeb, 2016). The court further described procedure of removal as "a sham and a kangaroo sitting" which was meant to achieve a predetermined agenda (Ajayi, 2016; CT, 2016). The point to note here is the fact that Nyako's impeachment reflects yet again another instance of faulty conduction of impeachment in Nigeria.

The procedure of impeachment is supposed to put the wish of the public into consideration. It is therefore a constitutional procedure that must be conducted with strict adherence to due process. It is because of the need to safeguard and protect the head of the executive arm from undue harassment and intimidation from the legislature that there is the stringent provisions that included the head of the judiciary to empanel a team of individuals with impeccable character to investigate and report on allegation of gross misconduct against a sitting governor. Unfortunately however, the process is often hijacked by vested and entrenched political interests out to settle political scores and achieve predetermined outcome. One peculiar feature of impeachment cases witnessed in the extant democratic dispensation is the fact that apart from the Anambra State where the governor was elected from a different political party and a house of assembly controlled by the opposition, the remaining five governors that were impeached belonged to the same as the majority in the legislative houses. It therefore suggests that, the political party was implicated in the avalanche of impeachments witnessed in this present democratic republic.

2.8 Theoretical Framework

Theories are a fundamental ingredient and integral part in a research, as they provide the sub-structure on which the argumentation of the research is anchored. Two theories are used in discussing impeachment; they are elite fragmentation theory and patron-client theory. Elite fragmentation theory is a subset of elite theory whose origin lies most predominantly in the works of Vilfredo Pareto (1848-1923), Gaetano Mosca (1858-1941), and Robert Michels

(1876-1936). Basically, the theory focuses on the acquisition, use, misuse and consolidation of power. It argues that, in every society, there are series of competing minority groups of individuals who are powerful enough to impose their will upon the rest of society. Mosca and Pareto both considered rule by members of elite groups as ineluctable, even in societies that are viewed as democratic. Higley explains that Mosca further put emphasis on the ways by which such elite groups which actually constitute the minorities out-organise the large majorities, thus demonstrating how political classes usually have a certain superiority in the moral, intellectual and material sense over their subjects of governance (2006). In a similar vein, Pareto is said to have opined that in a society where there are truly no restrictions to social mobility, members of the elite would be comprised of the most endowed and suitable individuals; however in reality, elite or members of the political class are those that are most proficient at using the two approaches of political rule of force and persuasion and also those who always enjoy such privileges as inherited estate and family networks. Pareto outlined various types of political elite, which he compared to either lions or foxes. Michels saw elite or "oligarchies" as being rooted in the need of large organisations through which leaders and experts can operate efficiently. As these individuals thus assume control over funds, information, promotions, and other essential areas of organisational structuring and functioning, power becomes concentrated in their hands (Linz, 2006). The basic generalizations of elite theory are highlighted as follows:

> • In every society, there is and must always be a minority which rules. This stands out in Michel's famous statement, "who says organisation says oligarchy". This implies that the oligarchy is a logical derivative of organisation. In addition, Pareto says that minority rule is the reality in all societies – developed, underdeveloped, simple or complex.
>
> • This minority that rules derived its original power almost invariably from force or coercive services such as the monopoly of military function. But over time, this coercive power is transformed into hegemony through routinisation. That is, mythical and ideological rationalizations.
>
> • The minority ruling circle is composed of all those who occupy commanding political positions. It overtime undergoes changes in different ways. At times, it is through a recruit of people from the lower strata of society into the ruling elite group. At other times, a

> new group is incorporated into the governing elite or by a complete replacement by a "counter-elite". These changes in the composition of the elite group have been termed as elite circulation.
>
> • The changes in the composition of the elite group affect merely the form and not the structure of society, which remain at all times minority dominated (Kifordu, 2011; Bottomore, 1993).

The position of elite theorist therefore, is that democracy could never be anything more than a manipulative legitimating process whereby the elite consolidate their hold on power by co-opting the masses ostensibly to represent them but truly only serving narrow interests. Nevertheless, elite fragmentation as a strand of elite theory challenges the notion that elite groups are internally cohesive in their quest towards achieving their objective. This critical viewpoint of elite theory argues that elite aspirations and ambitions do not often cohere, resulting in group members working at cross purposes. Given the very important role elite play in building and influencing state structures, a high level of elite consensus is essential in deepening the democratic process. Albert argues that:

> Elite fragmentation which since the 1999 political transition has come to be recognised as a major conflict generating factor in the Nigerian political system... refer[s] to how politicians fight dirty among themselves most especially within same political parties or cabinets where people are expected to be in solid relationships. This refers to an expression of strong differences within the governing and the oppositional elite (Albert, 2012: 3).

Considering the context and discourse of impeachment crisis in Nigeria, the applicability of this theory becomes obvious. The Nigerian political landscape is dominated by self-seeking and mutually distrustful elite groups that deploy and exploit the country's fault-lines of ethnic, religious and sectional differences to advance their particularistic interests. These fragmented and acrimonious political elite, who mostly congregate in political parties, often find the use of the constitutional device of impeachment a handy tool in settling political scores.

Patron-client theory on the other hand describes the political incentives that affect the allocation or redistribution of public power holders within a given society. Patron-client, to Boone (2003), is a form of political manoeuvring, in which material benefits are allocated to a select group of

citizens by political rulers in return for political support. Omobowale and Olutayo (2012) argue that patron-client relationship is manifested in complicated interactions that require give and take from both parties. They argue further that in the relationship, patron exchange values for political loyalty. The value goods may be in many forms such as political power, access to office, and other values which may be tangible including pecuniary ones and many more. The power relation between the patron-client is usually asymmetrical. The patron has the ability to distribute the value(s) while, in return, the client is expected to give loyalty by way of support. In Nigeria, such lack of any substantial redistributive reform has primarily been blamed on persistent clientele-patron political conflicts. This further demonstrates the fact that the degree of political support a candidate gets from the people and the elite in particular affects not only the probability that they will be rewarded, but also the size and type of reward. In a society with near absolute disregard for egalitarianism such as Nigeria, with the transition from military to democracy, democratic patronage has unfortunately brought about so many political and social inequalities that create structural violence among the masses.

This work thus discusses patron-client as a chain of choices and strategic measures which are attached to a series of trade-offs as elucidated by Wilkinson (2007). Specifically, here, patron-client variation is defined by the type of political threats to political office holders; and these threats vary across temporal and spatial ranges. As long as patronage allocation is guided by some given rules as well as established practices, it thus remains an institution viewed by North (1990) as where rulers solely decide when and where to allocate patronage, and whom to. Thus, the rulers' supposed institutional choices and decisions are informed by the desire to maximize their political power and influence. It is therefore not surprising that patronage strategies chosen by rulers are always those that will give them maximum power and retain them in office, with respect to the threats they face to their power. In the context of this study, patron-client theory is relevant in the sense that, those who spearhead and galvanize the process of impeachment are usually elite who are aggrieved because they have been denied or side-lined in the distribution of patronage. The impeachment of governors witnessed in Nigeria since the return to democratic rule may not be entirely based on the alleged gross misconduct of the office holders but the

attempts by certain stakeholders to get even with the governors as a result of less patronage or the outright loss of patronage.

CHAPTER THREE
RESEARCH METHODOLOGY

This chapter describes the research methods and procedures that were employed to obtain the relevant data and how the data gathered were processed. It covers the research design and approach; sampling technique; target population; research instruments; sources of data and methods of data processing and analysis.

3.1 Research Design

The study adopts a case study research design; Bryan (2004) sees case study research as an empirically-oriented evaluation that examines a newly existing phenomenon in its actual context, particularly when the demarcations dividing phenomenon and context are not clear. Three impeachment cases that occurred in Bayelsa State, Oyo State and Plateau State were selected. Governor DSP Alamieyeseigha of Bayelsa State was the first to be impeached. Oyo State was selected because Ladoja's impeachment was the first to be upturned by the Judiciary, while Plateau State was included in order to achieve a geographical spread in the sampled cases.

3.2 Study Area

The research setting was restricted to the three states where the governors were impeached from office in the current democratic dispensation, covering three of the country's six geo-political zones.

3.3 Study Population

The population of study comprised the entire members of the houses of assembly in the three states where impeachment occurred. It also included the former chairmen and publicity secretaries of state chapters of the Peoples' Democratic Party, the media, constitutional lawyers, the members of the seven man panels that were constituted by the states Chief Judges who investigated the impeached governors and other political actors who played active roles during the impeachment. The distribution of states assembly seats in the three states are: Bayelsa state 24 seats; Oyo state 32; and Plateau state 24 making a total of 80 assembly seats.

3.4 Sample Size

Thirty-six (36) in-depth and structured interviews were conducted in the three states under study. The category of respondents included thirteen former state lawmakers, especially principal officers of the three state assemblies and those who spearheaded the impeachment motions. Their selections were based on the recognition that the legislators participated in the impeachment of the three governors either for or against; more so, they played key roles in the process as stated in the constitution. Others interviewed were 6 chieftains of Peoples' Democratic Party. The rational for their selection for the study was because as a party, they played some roles in the impeachment of the governors. For example, in Plateau State, the PDP suspended the governor and fourteen members of the state assembly who were members of the party at the time, so also in Bayelsa State where former governor DSP Alamieyeseigha was also suspended from the PDP party. Chairmen and publicity secretaries of the party at the time the governors were in office were considered to be key informants in the study due largely that their opinions were considered relevant to the study on the fact too that they stood as the mouth piece of the party and they interfaced with the public. Others were: a former Governor who was impeached. The researcher considered the inclusion of the former governor as a key informant because he was a direct victim of the impeachment exercise; his experiences were relevant in the study.

Media practitioners were also included in the study based of the fact that they witnessed the impeachments and reported the events in the newspapers they represented at the time. A total of three journalists were interviewed; one constitutional lawyer who is also a Senior Advocate of Nigeria (SAN) was interviewed because, his legal understanding of the constitutional provisions on impeachment was necessary for the study especially in interpreting the section 188 that deals with impeachment. The panel members constituted by the then Chief Judges of the three states were also interviewed, especially given the roles they played in the impeachments. A total of eight members of the seven-man investigative panels that looked into the allegations against each of the governors were also interviewed due to the critical roles they played in the impeachment; and four informed observers were interviewed whose views were important to the study. This gave balanced opinions to the study. On the distribution of thirty-six interviews conducted in different locations. Sixteen respondents were interviewed from Bayelsa State, out of which two

respondents were interviewed in Abuja and Port-Harcourt respectively, while the rest of the fourteen respondents were interviewed in Yenagoa. In Oyo State, nine respondents were interviewed out of which one respondent was interviewed in Iganna and eight respondents were interviewed in Ibadan. In Plateau State, 10 respondents were interviewed in Jos. Lastly; a constitutional lawyer was interviewed in Lagos.

3.5 Sampling Technique

Purposive sampling technique: purposive and snowballing techniques were used to select respondents from the population. Purposive sampling involves the process where the researcher deliberately chooses respondents who, in his/her opinion, are relevant to the study. This is imperative because the whole population cannot be studied. This selection, therefore, makes it possible for the research to study a comparatively small portion of the population and come up with data that represents the entire population. Using this technique, samples were selected purposively/intentionally for the study because of their characteristics or certain qualities which are not randomly distributed in the population. While snowballing was also used as some respondents referred the researcher to other respondents who were useful to the study.

3.6 Sources and Method of Data Collection

Data were collected from both primary and secondary sources. The primary source was in-depth interviews used to collect primary data from the different categories of the target population. The secondary sources included the 1999 constitution, parliamentary hansard, the seven-man investigative panel reports, books, journals, internet materials, newspapers and relevant law reports.

3.7 Instrument of Data Collection

Owing to the research approach and the nature of the topic, the interview method was adopted as the primary method of data collection. Interviews were conducted with the help of an interview guide for standardization in analysis.

3.7.1 In-depth Interview Guide

The interview guide was made up of open-ended questions that were designed to cover all the objectives of the study. This data collection guide was the most appropriate because it enabled the target respondents to freely express themselves vis-a-vis the questions asked. There was no fixed ordering of questions during the in-depth interviews. This allowed for greater flexibility and helped the researcher gain more insight about the respondent's perspectives on the issues under investigation.

3.8 Method of Data Analysis

The data collected in the cause of the interviews were transcribed and processed into word documents. These were edited and similar narratives and recurring responses were grouped and categorized into themes and sub-themes in line with the objectives of the research. This was done to subject the research findings to a systematic inquiry, first to determine how much of the research objective were attained and to ascertain how far the research findings either corroborate or contradict existing literature. Descriptive content analysis which aim at identifying and describing the main content of data were employed to analyse and interpret the data.

3.9 Limitations of the Study

1. Inability to reach some key respondents.
2. Refusal of some respondents to allow for voice recording and taking photograph with the researcher.
3. Inability to sample opinions in all the states impeachment occurred.

CHAPTER FOUR
ANALYSIS AND DISCUSSION OF FINDINGS

4.1 Research Question One: To what extent did the impeachment of governors of Bayelsa, Oyo and Plateau States comply with the provisions of the 1999 Constitution?

In Nigeria, as in most democracies, the description of impeachable offences is embodied in the constitutional provisions. Section 188 of Nigeria's 1999 Constitution states that an act of gross misconduct constitutes an impeachable offense for a Governor or Deputy Governor of a state; an impeachable offence is defined in Section 188 (11) as "a grave violation or breach of the provisions of this Constitution or a misconduct of such nature as amounts in the opinion of the House of Assembly to misconduct" (Constitution of the Federal Republic of Nigeria, 1999). Subsections 2 through 11 of the same Section 188 specify the stages, framework and time-line of the impeachment processes. The first stage is notification, wherein notice of an allegation is produced in written form and signed by at least one-third of the legislatures concerned. The second stage is receipt of notice. In seven days of receiving the notice from the legislative signatories, the speaker of the concerned state assembly, as the presiding officer, must ensure that the charged officeholder and every member of the legislature are informed. In addition, the reply of the accused officeholder to the allegation must be issued to every member of the legislative body.

The third stage in the impeachment procedure involves making a motion. In fourteen days of presenting the notice to the speaker (regardless of whether a statement has been made by the defendant as a response to the accusation presented in the notice), the legislature is expected to make a resolution by motion, without any debate, to decide whether investigation should commence on the allegation or not. The fourth stage involves passing the motion. A motion of the legislature supporting the investigation of the indictment must be passed by at least a two-thirds majority of all members.

The fifth stage is the appointment of a seven-person investigative committee by the state's chief judge, upon the request the state assembly's speaker. In the sixth stage, the officeholder under

investigation is permitted to defend himself in person or through his elected representative before the investigative panel. The investigative committee report constitutes the seventh stage. Within three months of setting up the committee, it is expected to report its findings to the legislature. The final stage of the impeachment process is the consideration of the investigative panel's report by the house.

If the report has not proved the allegation against the officeholder, no further action is taken. Nonetheless, should the allegation be proved, the legislature must consider the committee's report within fourteen days of receiving it. If the report is approved by a two-thirds majority of the members of a legislative house, the accused officeholder stands impeached from the moment of the approval of the report. This section is a replication of Section 170 of the 1979 Constitution, the first presidential constitution of Nigeria. However, a major and significant difference is the involvement of the state's chief judge in the composition of the seven-person panel to probe the allegation of misconduct against the officeholder in question.

While the 1979 Constitution made impeachment a wholly legislative affair, the 1999 Constitution brings in the judiciary by making the state's chief judge responsible for the setting up of the investigative panel. The provision stipulating that the chief judge of the state, rather than the speaker of the house of assembly, would constitute the panel assumes that the panel would then be neutral. Nevertheless, the involvement of the judicial arm in the procedure limits the judicial role to a crucial aspect of the process: the composition of the members of the panel. It is essentially the report of the investigations and deliberations of the seven-person panel that ultimately determines the fate of the governor. Kada (2003:113-136) argues that this procedure does portend a 'judiciary-dominant' model of impeachment, thus opening that arm of government to abuse and manipulation especially at the state levels. This was manifested in the way the impeachment panels were constituted by state chief judges and the indiscriminate manner court injunctions were obtained and abused by political actors in the cases under review (Simbine, 2007).

In the early phases of this current democratic system, the application of the constitutional provision as found in Section 188 was a subject of series of legal and political arguments because of a lack of judicial precedent and interpretations of its intent. The provision is specific and clear

in terms of the requirements and procedures for a valid impeachment to take place. Yet, members of the legislature and the various shadow parties resorted to the violation of unambiguous procedures and means that do not conform to constitutional stipulations. The legal battles that followed the abuse of the provision gave rise to judicial intervention to interpret the intent of the constitution's framers.

The Supreme Court of Nigeria delivered the first judgment on the Oyo State impeachment on December 7, 2006 in *Inakoju & 17 ors v Adeleke & 3 Ors* (2007). Justice Niki Tobi, who delivered the lead judgment, described it as 'the first pronouncement on this fairly troublesome area of our law on the removal of Governors' (Law Report 2007:289). In the following sections, the study demonstrates how these impeachment attempts failed to comply with the Constitution as revealed by a review of the resulting court verdicts. Suffice to note that the lack of Constitutional compliance of impeachments in the three (3) states under review gave rise to the cases of *Inakoju & 17 ors v Adeleke & 3 Ors* (2007) 1 S. C. (Pt 1025), p 149) for Oyo State; *Dapialong and ors v. Dariye and ors*, [2007] 8 *NWLR* (Pt. 1036) 332, for Plateau State; and *Alamieyeseigha v Igoniwari* [2007] 7 *NWLR* (pt. 1034) for Bayelsa State.

Impeachment processes in the 1999 Constitution were at some point treated as not being subject to judicial intervention. With this legal immunity, nonetheless, the legislature that the constitutions saddles with the duty became somewhat reckless owing to the legal exemption. This started with the removal of Governor Diepreye Alamieyesigha of Bayelsa State. The process began on November 23, 2005 with the Economic and Financial Crime Commission (EFCC) sending a report to the state's legislature that the governor was corrupt and had properties worth over N1.7 billion. This resulted in Alamieyesigha's impeachment on December 9, 2005 but by 15 of 24 legislators, a number that was below the two-thirds majority stipulated in the constitution (Ozekhome 2006, Kargbo 2014).

The case of Governor Rasheed Adewolu Ladoja of Oyo State came after the foregoing on January 2006 in a highly controversial situation. To observers, Governor Ladoja's impeachment was not only comical, but also inappropriately executed in active conspiration with federal forces directed by President Obasanjo himself who had score to settle with Ladoja and openly threatened to deal with the governor. In an interview with the researcher, the former governor of

Oyo State narrated how the former president threatened him and vowed to turn him into an "*Edun-arinle*". This roughly translates that he would make Ladoja so poor that he would beg to subsist, meaning to make him Ladoja a pauper and so poor until he begs to eat (Interview with Ladoja, Ibadan, on 20/05/2017).

The political context and prelude to the impeachment of governor Dariye started on May 18, 2004. It started with the declaration of a state of emergency in Plateau State followed by the suspension of the governor, his deputy and members of the state's legislature from office for a period of six months, in circumstances that generated heated controversy and wide condemnation in legal circles as a desecration of the constitution. While the state of emergency lasted, political intrigues and horse trading reigned as some political gladiators and opponents of the governor made spirited efforts to ensure the extension of the state of emergency beyond the initial period of six months. Key among those who worked for the extension of the period of emergency was Senator Ibrahim Nasiru Mantu, the then Deputy Senate President, a former comrade who turned against the governor because of the latter's alleged interest in the senatorial seat which he Senator Mantu occupied at the time (Dakas, 2010).

When the state of emergency ended on November 18, 2004 and the democratic structures in the state were restored, Dariye returned to office. His political adversaries determined to subvert his return to office resorted to other tactics which culminated in Dariye's suspension by his party, the governing People's Democratic Party (PDP). Following this development, fourteen members of the state's legislature including the speaker, Hon. Simon Bako Lalong sympathetic to Dariye's plight, defected from the PDP to the Advanced Congress of Democrats (ACD). Shortly afterwards, in circumstances that revealed the looming shadow and might of the central government, the Economic and Financial Crimes Commission (EFCC) arrested the speaker, Hon Lalong, at the Federal High Court in Abuja, where he had gone to attend a court session in connection with the legal issues relating to partisan cross-carpeting.

Other members of the house were arrested at different locations; in all, twenty two out of the twenty four members of the house were in the custody of the EFCC. They were all alleged to have committed economic and financial crimes, in the form of funds advanced to each of them in the name of constituency projects and car loans (Layi 2007, Oni 2013, Olumide 2014). Most of

the lawmakers the speaker and the decampees to the ACD inclusive were charged before a Federal High Court in Lagos, while others who had been arrested by the EFCC, but were not charged to court were left off the hook. Although all the members of the house were alleged to have committed the same offences, strangely, the EFCC embarked on a case of selective prosecution and persecution which demonstrated the agency's partisan meddling and suggests that it was acting a prepared script. It turned out that most of those left off the judicial hook later orchestrated and executed the impeachment of governor Dariye, in an apparent show of *quid pro quo*. The governor was removed from office on November, 13 2006 through procedures depicting the undermining constitutional stipulation (Dakas, 2010).

a) Requirements of Membership and the Authority of the Speaker

An obvious aspect of the provision is its elaborate procedural and time-bound character. The Nigerian Supreme Court, through the judgment delivered by Justice Ikechi Francis Ogbuagu in *Dapialong and others v. Dariye and others* (2007: 424-426), notes that section 188 presents 'clear and unambiguous provisions…regarding the removal of the governor or the deputy governor from office'. Besides, the framers of the constitution did not intend to make an impeachment process appear like a usual legislative activity because 'the impeachment of a serving governor is a weighty matter. Thus, the elaborate provision makes the impeachment process a unique legislative action different from other routine legislative processes.

Section 188 (2) stipulates the presentation of an allegation notice signed by at least one-third of the lawmakers of the concerned state assembly and submitted to the speaker to be served on the officeholder concerned. This foundational step defines the proceedings. For one, it takes only one–third of the lawmakers to present the allegation of gross misconduct necessitating the governor's removal. However, the provision stipulates a vote by two-thirds majority of the legislature to resolve in an investigation of the allegation and to approve the report of the panel as stipulated in Section 188 (4 and 9) respectively. Anything short of this specifically renders the process null and void. The Court of Appeal in Dariye's case interpreted this numerical percentage of votes along with the provisions stipulating the requirements of electoral votes for the election of a governor. The court interprets this to mean that the impeachment of the governor will require the same reverse procedure. This is left in the hand of the state assembly by

the constitution's framers. The obvious reason being the representation of the electorate as the House of Assembly members are representatives of their constituencies from the state representing all varieties of opinion through to the local governments of the state, therefore, excluding some lawmakers during impeachment of a governor is an injustice to the people because the process of enthroning someone to the office of governor, the people participated by voting, but in dethroning same, they do that through their representatives as envisaged by the constitution" (Law Report, 2007:426, Pt. 1036).

This interpretation arose from the case in respect of the removal of Joshua Chibi Dariye in November 2006 by six out of the twenty-four members constituting the legislature of Plateau State. The Appeal Court elaborates this interpretation further:

> The impeachment of a Governor is serious business and must not be reduced to child's play. Just as a person needs to receive the approval of the majority of people within the State to be elected Governor, his removal from office ought to be by a majority of the electorate in the State through their representatives in the State House of Assembly. This explains the requirements of the concurrence of two-thirds of the members of the State House of Assembly; otherwise a tiny cabal can gang up to remove an otherwise popular Governor. This could bring about political instability leading to breakdown of law and order which may ultimately result in anarchy (Law Report, 2007:329)

In confirming the shortfall in the required number (i.e. six of 24 instead of 16 of 24) House of Assembly members that purportedly authorized the impeachment of Dariye, a key respondent and former Punch Newspaper correspondent in Jos at the time note that:

> Of course there were lots of illegalities. There are twenty-four members of the house and six cannot be two-third of twenty-four. So, what they were doing was just to use six people just to make sure that Dariye is out of the way. And when he eventually went to court, he won because the court said there is no way 6 can be greater than two-third of 24. So there were a lot of illegality, the impeachment was very illegal. In politics, the mighty will always have their way. (Interview with Jude Owuamanam, in Jos,15/03/ 2017).

Aside from this specific requirement on membership for valid votes, the constitution's framers do not contemplate that the state assembly's speaker should be one of the signatories to the notice. The Appeal Court, in the judgment delivered by Justice Zainab Adamu Bulkachuwa, said: 'The one-third of the members required to sign the notice of impeachment does not include the

speaker as envisaged by section 188(2)' (Law Report, 2007:335). Thus, the Court of Appeal held that it is anomalous for any speaker to be one of the signatories and thus party to the impeachment as was the case in Plateau State where Hon. Michael Dapialong was one of the signatories. Also, anyone who occupies the position of speaker for the purpose of impeachment should be a person 'duly elected' from among the members as directed by Section 92 of the 1999 Constitution. This interpretation arose from the case in Plateau State where a speaker *protempore*, Michael Dapialong, presided over the governor's removal. The Court of Appeal, in the judgment delivered by Justice Adamu Bulkachuwa, held Section 188 of the Constitution:

> …is not referring to a Speaker *protempore* but to the duly elected Speaker of the House. If the framers of the Constitution have contemplated a situation where a 'Speaker *protempore*' would make the request for the investigation to the Chief Judge they would have clearly stated so. (Law report, 2007:340, Pt. 1036).

Towing the line of thought of his colleagues on the bench, the former Attorney General and Commissioner of Justice, Professor Dakas, threw in the towel and resigned in protest of the way and manner the impeachment of Joshua Dariye was carried out. An excerpt from the resignation letter read thus:

> I am constrained to forthwith resign my appointment as the Honourable Attorney-General and Commissioner for Justice of Plateau State, because I am of the considered professional opinion that the processes underpinning the current impeachment saga in the State are predicated on contempt for the rule of law and constitutionalism (Dakas, 2010).

For the Oyo State's case, the Supreme Court held, in the case of *Inakoju & 17 Ors v Adeleke & 3 Ors*,: 'Section 188 does not only mention the speaker and the members of the house of assembly, but also gives them functions to perform in the removal processes' (Law Report:450, Pt. 1025). Thus, a Speaker *protempore* is not 'the appropriate authority known to the constitution' to request the Chief Judge to inaugurate an inquiry the panel that will look into allegations or preside over a weighty matter as the impeachment of a governor. Beyond the presiding officer, there are rules about the number of legislators required for the removal of a governor or the deputy. One-thirds of all the members of the parliamentary chamber will have to sign the

allegation notice for presentation to the speaker while the subsequent voting exercise requires a vote by two-thirds majority. In Oyo and Plateau States, the number of legislators who participated in the removal of governors Ladoja and Dariye respectively, fell short of the constitutional requirements. In Oyo State, eighteen of the thirty members of the legislative body began and concluded the removal of the governor. In confirming the non-compliance of required members to initiate the impeachment process in Oyo State, a respondent who at the time was the Publicity Secretary of the PDP notes that:

> The requirement of the constitution is that there should be some specific number or proportion of the members of the House of Assembly that would pass a resolution for the impeachment. Not only resolution for impeachment, but also to investigate and adjudge the veracity of the allegations made against the impeached candidate and if found culpable, that is when the impeachment can stand. But in most instances, in the instance of the Oyo State, they were not able to get the required number of legislature, because I think it is two-third majority that is required to finally impeach the governor. But, like I told you, it was political… (Interview with Lukman Agboluaji, in Ibadan, on 07/12/2016).

The two-third majority interpretation essentially extols the parliament's representative function as the custodian of the sovereign power of the people. Thus, it is envisaged that the legislators would have considered the legislative action of impeaching a governor or a deputy governor as representing the overall interests of the people rather than a fractional part of the political elite. This therefore requires that lawmakers, as true representatives of the people and key political elite in Nigeria's presidential system, behave in manners that speak well of their senses of responsibility and civil (*Inakoju & 17 Ors v. Adeleke & 3 Ors*).

b) Service of the Notice of Allegations Containing Articles of Impeachment

Section 188 (2b) mandates the speaker to forward the allegation notice to the officeholder in question. One contentious issue regarding this is the interpretation of service. The provision does not specify how the notice should be served. However, the Court of Appeal in *Hon. Mike Balonwu & 5 others v. Mr. Peter Obi & another* (2007) 5 *NWLR* (Pt.1028) 488 Court of Appeal held that service was to be done personally, but in all the three cases under review the

legislatures erred in this. Some did the service through newspapers while others served by pasting the notice at the entrance of the governor's lodge and office. In the instance of Oyo State, because the governor was evasive, the 18 lawmakers who partook in the removal of Governor Ladoja published the allegation of misconduct vide a letter dated December 9, 2005 in the *Nigerian Tribune* of December 14, 2005. The letter was titled "Notice of Allegation of Gross Misconduct against Senator Adewolu Rasheed Ladoja Executive Governor of Oyo State, Pursuant to Section 188 of the Constitution of the Federal Republic of Nigeria" (Omololu, 2016:13). Thus, as held in *Inakoju & 17 Ors v. Adeleke & 3 Ors*, they failed to comply with the constitutional requirement demanding the notice served on the Speaker who has the constitutional responsibility of serving same on the members and the holder of the office and who is the accused in this case.

In Bayelsa State, Alamieyeseigha, was removed by splinter number of lawmakers in the state's legislature. The legislative arm of Bayelsa State had 24 members but 15 members commenced the impeachment process. The number of signatures required (8 members) to serve the governor with the allegations of gross misconduct was met but the two thirds majority vote required to proceed with the investigation was not met (Lawan 2010; Polgreen 2005). The former governor was arrested in London and charged on allegations of money laundering, and was subsequently discharged on bail but he jumped bail and absconded to Nigeria. Prior to this time, the EFCC had been on his trail over sundry allegations relating to misuse of mandate and corruption. The agency alleged that members of the legislature were reluctant to impeach the former governor because they benefited from the misappropriated funds of the state (Umanah, 2005). When EFCC invited the lawmakers to Lagos for questioning, they were arrested and threatened with prosecution if they refused to commence the impeachment of the former governor. Eventually, fifteen out of the twenty-four members of the legislature agreed to start and conclude the procedures against impeaching the governor. This was not up to the two-third constitutional requirement of (16) for proceeding with an impeachment process and concluding it in Bayelsa case.

c) Gross Misconduct

Section 188 (2b) of 1999 Constitution states that the notice of allegations against the governor or his deputy that could warrant removal has to indicate the alleged gross misconduct that the officeholder concerned has perpetrated with respect to the function assigned to his or her office. Section 188 (11) gives gross misconduct to mean "a grave violation or breach of the provisions of this constitution or a misconduct of such nature as amounts in the opinion of the house of assembly to gross misconduct." The Supreme Court, in its judgment read by Justice Dahiru Mustapher in *Inakoju & 17 Ors v. Adeleke & 3 Ors*, describes this constitutional definition as 'nebulous, fluid and subject to potentially gross abuse and is also potentially dangerous at this point of our national or political life'(183). It is therefore not surprising that the state house of assembly in the three states adopted political and unjustifiable reasons as constituting gross misconducts.

Ben Nwabueze (1985), in his analysis of the impeachment issue in the country's Second Republic, avers that this political bias amounts to a misinterpretation of the intended semantic coverage of gross misconduct. According to him, the constitutional definition of gross misconduct does not give the legislature the discretion of deciding what constitutes misconduct. He says that 'misconduct in the performance of the function of an office has a definite, objective legal meaning which is not dependent on, or controlled by, the subjective opinion' of the legislature (Nwabueze 1985:280). Thus, 'the constitution grants it [legislature] 'no power to regard as misconduct what is not misconduct according to the legal definition of the term' (Ibid).

In Oyo State, as most of the respondents confirmed, the issue of gross misconduct was not weighty enough on its own to serve as a ground for impeachment. Prominent among the allegations levelled against Governor Ladoja of Oyo State were:

a) Operating a current account in Standard Trust Bank (STB), now UBA Group, amounting to N156,982,322 and being a director of the bank contrary to paragraph 2 (b) of the fifth schedule to the 1999 Constitution.

b) Fraudulent conversion of public funds by diverting the local government allocation from the excess crude oil into account no. 00849378601106 at STB from August 2003 to May 2005.

c) Operating a foreign bank account no 36336433 at National Westminister bank Plc, London, Tavistock Square Branch.

d) Creating a new ministry without recourse to the state House of Assembly (Simbine, 2007:56).

The impeachment was politically motivated by the feud between Ladoja and Adedibu, his political godfather. Obasanjo who was President at the time used the trappings of powers at his disposal against Ladoja because of a rift between them (Obiyan & Amuwo, 2013; Akin, 2006; Nwabueze, 2016; Nwankama, 2006). In an interview with the researcher, the former governor confirmed that the success of the impeachment was due to the central government's complicity in the process and not the alleged gross misconduct. According to Ladoja, Obasanjo's grouse with him then stemmed from the discussion they both had when the debate about tenure elongation for the president dominated national political discourse in the country. Ladoja further stated that:

> When I learnt about the third term, I went to him and said Baba I heard that you want to do third term and he said 'No! Who told you?' I told him who told me is not important; all I want to know is that true? He said it is not true. I said I thank God it is not true, you would have disappointed me. I told him that this is a post you did not merit; he then said what do I mean? Am I not a Nigerian? I said to him, you should thank God that you were able to be there for 8 years. He said am I not a Nigerian? I told him for somebody to be President you have to belong to a political party. So you were not in a political party, we came to call you. Secondly, to contest election as a President you must have your own money, you just come back from prison, and you had no money. I joined the saying that "charity begins at home", you could not win election in Abeokuta and God say with all those negatives, you are going to be Nigeria's President for 8 years. I think we should thank God. I tought I was talking to my friend… (Interview with Ladoja, in Ibadan, on 20/05/2017).

The former President apparently did not take Ladoja's words lightly as; he joined forces with Lamidi Adedibu, the acclaimed godfather of Oyo State politics, to punish the governor. In fact, in the judgment of the Supreme Court delivered on the case of *Inakoju & 17 Ors v. Adeleke & 3 Ors,* there was no mention of the exact facts that constituted the ground for gross misconduct

against governor Ladoja. The Supreme Court's restoration of Governor Ladoja in December 7, 2006, was a reaffirmation of the broad belief that the governor was removed through the use of hooligans and rascals (Awom, 2014).

In Bayelsa State, some of the misconducts alleged to have been committed by the governor include:

(a) Involvement in money-laundering occasioning his arrest and investigation by officers of the metropolitan police, London culminating in his trial on charges of money-laundering in the United Kingdom with prospects of being convicted and sentenced to prison in the United Kingdom. This constitutes an unacceptable embarrassment to the people of Bayelsa state.

(b) Freedom of movement restricted to his home in united kingdom far away from his constituency, Bayelsa state of Nigeria with the result that he is incapable of discharging his constitutional functions as Governor of Bayelsa state thus necessitating the appointment of his deputy as acting governor by the state house of assembly.

(c) Under investigation for grave and damaging allegations of fraudulent and corrupt self-enrichment by the Economic and Financial Crimes Commission (EFCC) and other appropriate security agencies in Nigeria.

(d) Maintaining foreign bank accounts while in office in the following banks viz:

(i) BARCLAYS BANK PLC, LONDON
(ii) NATIONAL WESTMINSTER BANK, LONDON
(iii) ROYAL BANK OF SCOTLAND
(iv) COMMERZ BANK, LONDON

Contrary to the clear provisions of paragraph 3 of the Fifth Schedule (Part 1) of the constitution of the Federal Republic of Nigeria 1999 the provisions of which he swore on oath to uphold.

(e) Corrupt enrichment of his wife and children namely:

MR. ENETONBRA ALAMIEYESEIGHA,
MR. SELEAKE ALAMIEYESEIGHA, and
MISS EMBELEAKPO ALAMIEYESEIGHA

(f) Failing, refusing and/or neglecting to formally notify the Government of Bayelsa State particularly the Bayelsa State House of Assembly of his arrest, detention, arraignment and trial in court in London for the offence of money laundering but instead deceptively wrote to Bayelsa State House of Assembly a letter obviously back-dated to the 1st day of September, 2005 requesting to be away for 120 days to enable him recuperate from a surgery he underwent in Germany, thus deliberately and mischievously attempting to keep away from the Government and people of Bayelsa State the fact that is now household knowledge all over the world.

(g) Criminal diversion and misappropriation of public funds to facilitate his acquisition of:

(i) One billion Naira shares in Bond Bank Plc by private placement.

(ii) Purchase of Chelsea Hotel, Abuja for the sum of Two Billion Naira.

(iii) Acquisition of £10 Million worth of properties in London.

(h) Making false statement in his Declaration of Assets and Liabilities as the Governor of Bayelsa State to the code of conduct Bureau in breach of the provisions of paragraph 11(2) of the Fifth Schedule (part 1) of the Constitution of the Federal Republic of Nigeria, 1999 (Umanna O. Sunday, Punch 2005).

However, none of these grounds were successfully proven at the time as all focus was on the immediate removal of the governor with the support of federal might. Commenting on the illicit process that was used during the impeachment of DSP Alamieyesigha of Bayelsa State, a respondent and former member of the state's legislature who participated prominently in the removal of Alamieyeseigha stated that:

> In terms of legality, I know that there were some areas that I am sure that the law would not have been properly followed. D.S.P. claimed that he was not served any impeachment notice, and the service must be personal, but before we proceeded there was a proof of service. Though he claimed that he did not know who received that document on his behalf. You know, those are matters that could be tried to see whether there was proper service. Also, there was the issue of the constitution of the panel. He felt that in the eyes of the law some of the members constituted into the panel were persons that ought not to

> be there. He felt that some of them had some political colourations. But sometimes those are hard facts to prove. I remembered he made those kinds of complaints and observations. Also, initially when the matter started there was a particular news briefing that was done in Lagos, which was outside the jurisdiction that the news briefing was done so I know he complained concerning that as well. Therefore, I believe in terms of totality, there may have been one or two breaches in the process. In impeachment, every process must be strictly followed, but you know due to the human practice of the law, even in normal litigation once there is a lapse and you do not follow it up and that stage is passed then there is nothing one can do. Assuming you were not served, but you have appeared to defend yourself, then that issue would now be overtaken, if it is not followed up then you may be foreclosed on some of those issues (Interview with Hon. Dein Binadoumene, former member of the Bayelsa State House of Assembly in Yenagoa, on 05/05/2017).

Another respondent from Bayelsa State, a privileged 'insider' who witnessed the events, described the impeachment process as a rape and mockery of the democratic process. The respondent who happened to be Secretary to the Government of Bayelsa State at the time observed that:

> …there was no way they could use the due process, because the due process would have taken years to complete. You remember that the committee that was set up, looked at only one item out of all that was listed, which was that D.S.P. Alamieyeseigha had left England and come to Nigeria. Concerning those other accusations, he should have been given an opportunity to defend himself. Those things never happened, and his lawyers were not given opportunity to defend him or present their own side of the case. Again, even those persons who could have come out to speak were being muzzled using the EFCC, the police and the SSS. I was even detained by the SSS. So when you look at all these things, there is no legal process that would have been followed. (Interview with Professor Steve Azaiki, Former Secretary to the Bayelsa State Government, in Yenagoa, on 06/01/2017)

Professor Steve Azaiki argued further that:

> In Alamieyeseigha's case, I think the understanding is that the due process was not followed… Before a House of Assembly sits, there are procedures, before the Chief Judge even sit, and do not forget in the case of Alamieyeseigha, he made objections to even some

> members of the panel that was constituted by the Chief Judge, but that was not looked into even though there were dissenting views from some members of that panel, that was also not looked into… I took time to read up some things and the process is so long that you wonder whether to impeach a governor or a president can be done within the term limit of that four years. Yet, in Alamieyeseigha's case everything ended in ten days (ibid).

Whether in Oyo, Plateau or Bayelsa States, the governors were never given any opportunity to respond to the indictments against him. The impeached Bayelsa State governor was reported to have lamented when he was being whisked away thus; "This is unconstitutional, this is against due process, even if I am to be crucified, I should be heard" (Oni, 2013:44). The complaint by Alameyeseigha strongly depicts the refusal of the panel to grant him fair hearing despite his plea for same in a letter he sent to the panel. The governor foresaw the likelihood of bias on the part of Barrister Dokubo-Spiff Serena led panel; he therefore raised an objection to the constitution of the panel, particularly the chairman, Dokubo-Spiff and Benson Agadaga who was his commissioner for information before he was dropped in a cabinet reshuffle. Several legal authorities such as Wole Olanipekun, Mike Ozekhome and Itse Sagay, argued that the forceful removal of Alameyeseigha lacked due process of the law and amounts to flagrant violation of the 1999 constitutional provisions of Section 36 and Section 188(5) (Kumolu 2014; Olumide 2014).

The Supreme Court admitted in *Inakoju & 17 Ors v. Adeleke & 3 Ors* that though section 188(11) "is generic and vague in its wording [but] cannot be extended beyond its onerously generic and vague nature to include misconduct which are not gross" (440). Evidently, the Nigeria Supreme Court relied on the scholarly position of Nwabueze to arrive at the interpretation of section 188 (11) of the Constitution. The Court held that "the allegation under section 188 is that the officer is alleged to have conducted himself in a perverse and delinquent manner amounting to gross misconduct" (Law Report: 441). The Court, through Justice Niki Tobi, held that "only a grave violation of the constitution can lead to the removal of a governor or deputy governor" (Law Report: 441). Such violations include, among others, denigration of the constitution's fiscal laws, interference with the functions of the legislature as stated by the constitution, corruption, disregard for and breach of the constitution, abuse of office, and subversive conduct that are inimical to the implementation of the constitution. It is an unlawful implementation of the provisions of the constitution of Section 188 for a state legislature to

impeach a gubernatorial head or the deputy governor in a bid to achieve political objectives that evidently do not fit into the application of gross misconduct as contained in the above mentioned sections.

Section 188 of the constitution is a powerful tool in the custody of the legislature, and it is supposed to be applied in proper contexts of grave impropriety by a governor or the deputy, which fit into the meaning of gross misconduct in Subsection 11 (66-67). Section 188 (11) "is not however a license for the legislature to open a pandora's box of vendetta and rake up misconducts that are not gross" (Inakoju& 17 Ors v. Adeleke & 3 Ors, pg. 442). Thus, for articles of impeachment to be relevant, the misconduct must be gross. Gross here means glaringly noticeable, because of evident unpardonable badness, or objection ableness (*sic*) or a behavior in violation of the constitutional provisions (Inakoju & 17 Ors v. Adeleke & 3 Ors,:443). The pronouncement of the judiciary indicates that the loose definition of gross misconduct by the political elite is contrary to what is intended by the constitution. This lacuna actually made impeachment a political weapon that could easily be invoked by the legislature against any governor for any reason.

e) The Ouster Clause

Section 188 (10) of the constitution can be interpreted as an ouster clause, that precludes the involvement of the judiciary in the process. It states that: "No proceedings or determination of the panel or of the house of assembly or any matter relating to such proceedings or determination shall be entertained or questioned in any court" (Section 188 (10), 1999 Constitution). Literally, this provision prevents judicial intervention in an impeachment case. Indeed, early judicial pronouncements on impeachment cases construed this provision as an exclusionary clause (Alabi, 2014). In the Second Republic, the courts at the state and federal levels declined to consider impeachment cases because of two main factors. First, that impeachment is an exclusive legislative mandate because section 170(10) excluded judicial intervention. Secondly, in the spirit and tradition of the separation of powers, it would violate the principle of non-interference by the three arms of government. It was on this ground that the three state houses of assembly under reference filed preliminary objections in the suits challenging their purported acts of impeachments of the three governors on ground that their actions were not subject to judicial

review according to Section 188 (10) of the constitution. They impeached their governors through questionable means believing that their actions were immune to judicial intervention. However, courts have the jurisdiction to intervene if or when the impeachment proceedings are instituted in contravention of the provisions of the Constitution. In *Inakoju & 17 Ors v. Adeleke & 3 Ors*, the Supreme Court hinges its interpretation of the ouster clause of Section 188 on the submission of the Court of Appeal. The Court held:

> It is good law that where the Constitution or a statute provides for a precondition to the attainment of a particular situation, the pre-condition must be fulfilled or satisfied before the particular situation will be said to have been attained or reached (Law Report: 480).

The Appeal Court further held that if "a law provides for the doing of an act with conditions, it is an elementary principle of practice that the courts have a duty to look into the matter to ensure that the conditions are fulfilled" (Law Report: 481). The Supreme Court described the ouster clause as "a very hard matter of strict law which must be clearly donated by the provisions" rather than "a subject of speculation or conjecture" (Ibid). Consequently, the court defined the ouster clause in Section 188(10) within the context of two expressions: procedure and proceedings. According to Justice Niki Tobi in his lead judgment, section 188(1-6) denotes the procedure for impeachment while section 188(7-9) denotes the proceedings.

> In my humble view, section 188(1) to (6) sets out the procedure to be adopted in the removal process. The proceedings start from section 188(7) and ends in section 188(9)….section 188(10) ouster clause is clearly on proceedings or determination of the Panel or the House, it does not relate to or affect the procedure spelt out in section 188(1-6) (Inakoju & 17 Ors v. Adeleke & 3 Ors, pg. 480).

Similarly, the Apex Court held in *Dapianlong v Dariye,* the case on the removal of Governor Dariye, that the "ouster provision of Section 188 (10) of the Constitution of the Federal Republic of Nigeria, 1999 will only come into effect if the provisions of section 188(1) – (9) have been complied with in an impeachment proceedings" (150). This was a similar decision of the Court of Appeal in the Bayelsa State's case of *Alamieyesigha v Igoniwari*. As such the valid removal of a governor requires compliance with all the requisite preconditions outlined in the procedure. Thus, the ouster clause in section 188(10) does not provide the legislature with absolute power to remove a governor or the deputy without strict compliance with the procedural requirements

stated in the constitution. It is erroneous, therefore, to think that the legislature is the only and supreme decision-maker in issues of impeachment.

f) Panel

The sub-sections of Section 188 concerning the appointment of a panel provide that:

> (5) "Within seven days of the passing of a motion under the foregoing provisions of this section, the Chief Judge shall at the request of the Speaker of the House of Assembly, appoint a Panel of seven persons who in his opinion are of unquestionable integrity, not being members of any public service, legislative house or political party, to investigate the allegation as provided in this section".
>
> (6) The holder of an office whose conduct is being investigated under this section shall have the right to defend himself in person or be represented before the Panel by a legal practitioner of his own choice.
>
> (7) A Panel appointed under this section shall – (a) have such powers and exercised its functions in accordance with such procedure as may be prescribed by the House of Assembly; and (b) within three months of its appointment, reports its findings to the House of Assembly.
>
> (8) Where the Panel reports to the House of Assembly that the allegation has not been proven, no further proceedings shall be taken in respect of the matter.
>
> (9) Where the report of the Panel is that the allegation against the holder of the office has been proved, then within fourteen days of the receipt of the report, the House of Assembly shall consider the report, and if by a resolution of the House of Assembly supported by not less than two-thirds majority of all the members, the report of the Panel is adopted, then the holder of the office shall stand removed from office as from the date of the adoption of the report.

It has been said that, "the composition of the panel to investigate allegations of gross misconduct against a governor is the most crucial procedural step in impeachment process. The result of the panel will determine whether the governor will be removed from office or not" (Omololu, 2016:

165). If this is something to go by, then the importance of the process cannot be overstated. However, the sacrosanct characteristic of the process has not played out well in the impeachment processes in the three states for which reason; the respective embattled governors appeared to have succeeded in their court suits. In Oyo State, the Acting Chief Judge empanelled and inaugurated the panel on January 5, 2006 to look into the alleged acts of gross misconduct against Ladoja. The panel met for just two days after which, without taking oral evidences from anyone, presented its report to the G18 anti-Ladoja division on January 12, 2006. Simbine (2007) gave a graphic narrative of how the controversy around the constitution of a panel played out. According to her:

> …the Group of 18 wrote a letter to the acting Chief Judge (ACJ), Mr Afolabi Adeniran to constitute a panel to investigate the governor under Section 188 (1) of the Constitution. The State under the representation of the Speaker went to Court to challenge the constitution and inauguration of the panel. Against all efforts, the ACJ went ahead to constitute the panel, with Chief Bolaji Ayorinde (SAN) as the Chairman and six other members. The panel sat on January 5 despite the suit filed by the Speaker on behalf of the governor. It heard the 14-count allegation from Messers Lekan Latinwo (Former Commissioner for Justice and Attorney-General under the Ladoja administration) and Michael Lana. Governor Ladoja was not represented. The panel's sitting was adjourned till January 9 at the instance of the governor to enable him enters his defence. When Mallam Yusuf Ali (SAN) appeared on his behalf on Monday, it was not to present a defence, but rather to challenge the constitution of the panel and the qualification of four of the members. The objection was nonetheless overruled. The panel, amidst disapproval by Ali, wound up on the same Monday evening without any written defence presented by the governor. With the deployment of mobile policemen and armoured personnel carriers (APC) to strategic areas of the city on Wednesday evening, it was obvious that the state governor would be impeached (Simbine, 2007: 55).

Commenting on the lack of constitutional compliance of the panel in its operations, a respondent who was a former speaker of the Oyo State House of Assembly notes thus:

> I could recollect I was with Ladoja and his wife, it was that day he was boasting that they would not constitute a panel, I shouted on him, I was so furious … and eventually the panel was constituted I cannot recollect vividly but it was documented. Mr. Bolaji Ayorinde was the Chairman of the panel. Ladoja went to court over the composition of

> the panel and instead of the panel to wait; they went ahead to read the judgment that it was written (Interview with Rt. Hon. Azeez Alarape, former speaker of Oyo State House of Assembly, in Ibadan, on 23/02/2017).

In Bayelsa State, the seven-member panel constituted by the Chief Judge did not give the governor an opportunity to be heard. Also, as reported by some key respondents, some of the members of the panel were persons of questionable intergrity. In fact, one respondent, a former Publicity Secretary of the Peoples' Democratic Party at the time notes:

> About the persons that can be on that panel, the neutrality of the persons who should be non- partisan, neutral, credibility of the people and so on. That is why, earlier, I talked about the panel; the chairman, and the panel being part of the key that made that impeachment possible, because you cannot say that they were non-partisan, you cannot say that they were neutral, you cannot say that those members were the people we could say had the highest integrity to carry out such an important activity. That assignment for me, was too weighty for the members that constituted that panel. And since they cannot be said to be neutral, objective and nonpartisan, it failed the test adduced in the impeachment of Chief D.S.P. Alamieyeseigha. So, while the courts had ruled on it, our views as citizens, our views as people who are now looking at history, would be that if for any reason if such a process is going on, and we have seen that in such states, because the process was not followed, the court reversed the impeachment, in Anambra State, in every other state; so I think that going forward, our system needs to be able to even define, because when we say neutral, what do we mean by neutral, non-partisan and so on? We need to define all these things to clearly show who can be given that sort of assignment (Interview with Bar. Esueme Dan Kikile, former Publicity Secretary of the PDP Bayelsa State chapter, in Yenagoa, on 28/01/2017).

In Plateau State, there was also no record of governor Dariye's response to the Panel's investigation. All they did was submit their report to the committee who met at ungodly morning hours of the day under heavy security surveillance to decide on the governor's impeachment. Also, one retired Brig. Gen. Samuel Athu Abok who was a bona fide member of the People's Democratic Party (PDP), and also appointed as the seven-person investigative panel, (although he denied the allegation, he later became a local government chairman in Plateau State under the PDP after the exit of governor Dariye). His inclusion violates the provision of section 188 (5) that panel members should not belong to a political party. Nevertheless, the State Secretary of

the governing People's Democratic Party at the time, John Akaans and the Speaker 'protempore' Michael Dapianlong held contrary views. They argued in an interview granted the researcher that the impeachment of Dariye was driven by the party and all the due processes were followed. Akaans former Acting Chairman and present Publicity Secretary of the PDP Plateau State chapter stated that:

> …the Governor was given seven days to reply that letter and which was replied. Thereafter, the next thing for the House of Assembly to do as required by law is to set up a judicial commission or an independent commission of investigation to investigate those allegations against the Governor, which the Governor supposed to appeared before the commission. That commission was properly constituted and a man of integrity chaired that commission, the Governor was represented by his counsel. The people that accused the Governor, Metropolitan Police from Britain at that time came to testify against the Governor. That was the process that led to his impeachment. After thorough investigation, the panel wrote it report indicting the Governor. That was the document the House of Assembly used and impeached the Governor Dariye (Interview with John Akaans, publicity secretary of the PDP, Plateau State Chapter, in Jos, on 18/03/2017).

Dapianlong the then Speaker *Protempore* who presided over the impeachment also argued along these lines:

> …we identified actions of the Governor that we considered highly impeachable offences, a letter came from the Presidency that there was money that was discovered in London from Dariye's Account. There was another offence about Ecological Fund that was transferred to his company's account. More cases of impeachable offences came to our table, among which was how he was arrested in London which caused embarrassment to the State. …..Yes, I would say it did, logically for that matter, because what we did, we were very systematical in the process, and ensure that every step was follow. Firstly, we served him notice of impeachment within the period stated in the constitution…... Not even one day was extra ordinary thing done outside the constitution we took all decision based on the constitution. Systematically, we ensured sitting and meeting were here in the house. However, we had protection he was a sitting Governor, and he would not take anything to chance. We had some security support and we had never sat anywhere before 7:30am (Interview with Michael Malam Dapianlong, former speaker of the Plateau State House of Assembly, in Jos, on 20/03/2017).

Another member of the Plateau State House of Assembly during the period, Victor Lapang, held a contrary opinion. For him, Dariye was not given the opportunity to defend himself as the pro impeachment group and their backers were hell bent on achieving their agenda of removing the governor: He argued further:

> The issue is, we were twenty-four (24) in the House of Assembly and for any impeachment to stand, and you needed two-third which was 16. The six (6) members did not even get to a quorum, so there was no way they could say they impeach the Governor and I do not think the Governor was given any chance to defend himself constitutionally. So what was done was a well-planned scheme to achieve predetermined purposes (Interview with Hon. Victor Lapang, former member of the Plateau State House of Assembly, in Jos, on 13/03/2017).

Giving an overview assessment of the cases of impeachments under review, a Senior Advocate of Nigeria with over four decades of experience in the bar, Chief Robert Clarke in an interview with the researcher observed that:

> …Alamieyeseigha impeachment was all politically motivated. It was not an impeachment that was carried out in the spirit of the constitution. It was an impeachment that was imposed on the legislators; with due respect by the President of Nigeria as at that time, based on the prevailing circumstances in Bayelsa State as at that time. So speaking as a lawyer, not one single out of the impeachments under consideration can be regarded as a correct impeachment as envisaged in the constitution. They are all impeachment that were generated by political considerations… it was still a political impeachment. It was not the design of the legislators by themselves. It was impeachment imposed by outsiders on them, which they gladly did of course. (Interview with Robert Clarke SAN, a constitutional lawyer, in Lagos, on 21/05/2017).

4.2 Research Question Two: What were the processes and patterns of the impeachment of governors in the three states?

There are noticeable threads that run through the processes and patterns of impeachment implementation in the three (3) states under study. First is the existence of intra-party conflict which generated the impeachment saga.

In Oyo State, 18 members of the 32-member legislature loyal to one of the chieftains of the ruling Peoples' Democratic Party (PDP), Alhaji Lamidi Adedibu, met in a hotel in Ibadan, the state capital, and commenced a process to remove the governor, Rasheed Ladoja. Prior to this development, there had been a crisis between the governor and his political sponsor, the late Alhaji Adedibu, who was a prominent leader of the PDP, at both the state and federal level (Omobowale & Olutayo 2007; Oni 2013). Adedibu was a chieftain of the People's Democratic Party (PDP) in Oyo State whose political influence powered the electoral victory of Ladoja and a sizeable number of members of the state legislature. There was a godfather-godson relationship between them. However, the 'revolt' of the godson against his godfather created an unstable political environment in the state that divided the members of the legislature into two factions - 18 members supported Adedibu while 14 supported Ladoja. The crisis between the two political gladiators was based on what the governor described as the unreasonable demands of his godfather, a claim that Adedibu did not deny (Omobowale & Olutayo 2007; Oni 2013). According to the governor, his 'godfather' wanted a percentage of the of the state's allocation to be remitted to him for his personal use. The former governor also claimed that his godfather wanted to nominate a sizeable number of members of his cabinet and political advisers (Adegboyega 2006; Adeyemo 2007). He further revealed other issues which culminated in the impeachment saga:

> …about the background of the purported impeachment of 2006. It was a question of misunderstanding of the role of the governor by other people. People believed that when you are a Governor, the whole purse of Oyo State is within your reach and therefore you can "dash" it out the way you like. They feel that you are above the law, and the supporters feel they can do anything and nobody should query them. Those are the background issues. They believe that once you support the governor to get to the office, therefore, they could do anything they like. Those are the things that led to the clash. They assume the benefit is to them, not to the people of the State. They are not interested whether the State Workers are happy and not interested in the development of the state, they are only interested in what come directly to them. Those are the things that led to it. Also, the arrogance of office of the Abuja people, that we are above you, forgetting that everybody has his/her constitutional rights. Those are

> the things that led to the impeachment (Interview with Rasheed Ladoja, in Ibadan, on 20/05/2017).

Confirming the Adedibu-Ladoja conflict as a catalyst of the impeachment saga, one key respondent who was at the time the publicity secretary of the ruling Peoples' Democratic Party in Oyo State reveals that:

> Unfortunately, Ladoja now went into alliance with Atiku and that was where his problem actually started. When he went into alliance with Atiku and he could not manage the political class very well. Before now, Ladoja already had knocked Adedibu, his political godfather who enthroned him by marginalizing him politically, strangulating and emasculating him of economic power. So Adedibu was perplexed. But when Atiku now linked up with Ladoja here and he became an ally of Ladoja, the situation worsened. Do not forget that here is South-West, and that is Obasanjo's backyard, so he felt threatened. He had to prop up Adedibu as a counter force to Ladoja. That was when the impeachment problem started. So Adedibu now got some members of the House of Assembly to initiate Ladoja's impeachment (Interview with Lukman Agboluaji, former publicity secretary of the PDP, in Ibadan, on 07/12/2016).

The former governor narrated how he in company of other PDP governors in the Southwest went to great lengths to make president Obasanjo stop Ladoja's impeachment:

> On the 10th of January, 2006, we went to Abeokuta with Agagu, Oyinlola and Daniel. We did not go with Fayose because Fayose was the apple of his eyes then. When we got there, we all knelt down and Oyinlola said we come to beg you. Immediately, he said to me, he called Rashidi! I said Sir! He said go and resign. I said why should I resign? That I would not resign; he replied if you don't resign either you will be removed. I said by who? He said by impeachment. I said nobody can do that, besides how do you intend to get two third to impeach me. Immediately, he stood up and said Two Third my foot… So we left, on the 11th January he came to Ibadan for Baba Alayande's Birthday, I went to airport to receive him as sitting Governor (sic) followed him to Baba Alayande. His host Baba Alayande begged him that do not let this impeachment go on and give that to me as my birthday present. He said no. So we are already getting ready but we didn't know it would be the following day. We knew they were camping in D'Rovans Hotel. That is how it all started (Interview with Rasheed Ladoja, in Ibadan, on 20/05/2017).

Since a considerable number of the legislators were elected because of Adedibu's influence, the crisis between him and Ladoja the former governor affected the unity among the legislators (Omobowale & Olutayo 2007). As such the state's legislature then became factionalized. The fourteen members that were loyal to Ladoja, including the speaker and the principal officers of the House, held normal parliamentary meetings in the legislative chamber on December 13, 2005 (Votes and Proceedings, Oyo State House of Assembly, December 13, 2005), while the 18 members loyal to Adedibu, met outside the parliamentary complex at a hotel after which they served the governor with a notice alleging him of gross misconduct. In a brazen disregard for constitutional provisions the state legislators twisted the interpretation of the relevant sections in order to achieve a pre-determined goal. In the words of Rashidi Ladoja:

> …in fact there was no motion about the impeachment in the House… they knew they could not come to the House to do it, They got themselves fortified in the hotel, surrounded by the police and nobody was able to see and talk to them. Just like in the case of the Alamieyeseigha in Bayelsa where they flew them in just to come and sit, and carry them back again (Interview with Rashidi Ladoja, in Ibadan, on 20/05/2017).

In Plateau State, eight lawmakers of the 24-member assembly, with the support of the Economic and Financial Crime Commission (EFCC), commenced a process to impeach the governor who had been arrested and charged to court in London over allegations of money laundering in 2004 (Fagbajebo 2007; Lawan, 2010). A respondent who at the time was a member of the Plateau State House of Assembly and now, the present Speaker of the same House recounted the events resulting in the impeachment thus:

> Plateau State House of Assembly members were arrested by EFCC on grounds of financial misappropriation. The constitution of Federal Republic of Nigeria spells out clearly the process of impeachment that a Governor must be served with impeachment notice. But in our own case, we were taken to Abuja and the process of impeachment began while in EFCC Cell and the deal was that if we impeach Dariye we would be allow to go back to duty, but if we do not, we will remain in Cell. Some of us saw that as political impeachment, the present Governor happened to be the Speaker then, he was taken to Lagos along with other members. We were brought here under gunpoint that is under heavy security to move the motion for impeachment. (An

> interview with Hon Peter John Azi, former member and present speaker of the Plateau State House of Assembly, in Jos, on 14/03/2017).

However, this was not the bane of the problem. Political elite within the ruling PDP in the state had been having a running battle with the governor (Abdusalami, 2005). As confirmed by a key respondent, who at the time was a member of the Plateau State House of Assembly, there was a clash of personalities between members of the PDP at the State and Federal levels:

> The genesis of it from my own view was personality clash between the Governor and the then Senate Deputy President, Ibrahim Mantu. We have what people called Abuja Politician and Plateau Politicians. The Abuja Politicians were the politicians that were based in Abuja of Plateau extraction, who had people like Pauline Talen and Deputy Senate President, Ibrahim Mantu. Then from the Plateau side there are people like the former PDP chairman, Joshua Dariye and people like Alhaji Diakundi. And the general background to the impeachment is personality clash. Before the Deputy Senate President came back for his second term, I think he had a lot of problems at the point and he felt Dariye was behind it and I think he took it upon himself to exploit his own relationship with the then President of the Federal Republic of Nigeria, General Olusegun Obasanjo because he knew that at the time, Dariye was in Obasanjo's black books (Interview with Victor Lapang, former member of the Plateau State House of Assembly, in Jos, on 13/03/2017).

Another respondent who was at the time Punch newspaper correspondent in Jos, also confirmed independently that the growing opposition around the Governor was led by the then Deputy Senate President, Senator Nasiru Mantu (Interview with Jude Owuamanam, Jos, on 15/03/2017). This development provided the opportunity for the party to induce the EFCC to commence an investigation into the financial transactions of the state government. The agency arrested the Speaker of the House, Simon Lalong, his deputy, Usman Musa, and eleven other members of the assembly on allegations of money laundering (Obateru, 2006; Okanlawon, 2006). The arrest of the lawmakers was said to be a ploy to induce them into negotiating their freedom on the promise that they would commence an impeachment process against the governor (Omololu, 2016). While the EFCC sent the petition against the governor

to the legislature, the leadership insisted that the House would conduct its own investigation to establish the veracity of the claims in the petition (Ibid).

While the legislature was deliberating on the petition, the EFCC arrested its members and froze the state accounts. This development irked the legislators who sought judicial restraint against their arrest. Eventually, the committee investigating the petition exonerated the governor of all the allegations. As the crisis festered, the governor and 16 other legislators in the state defected to another political party, the Advanced Congress of Democrats (ACD). Although, a majority of the state's legislatures remained loyal to the governor, the EFCC was able to secure the support of six members of the assembly to carry out impeachment proceedings against the governor (with maximum security provided by the federal government). On November 13, 2006, six out of the eight legislators voted and pronounced the removal of the governor.

The series of events that resulted in the removal of the Governor of Bayelsa State is almost similar to those that occurred in Plateau State; the reason being that they were both arrested in London, the EFCC played major role and other political stakeholders roles make the two impeachment almost similar. The former governor, late Diepreye Alamieyeseigha, was removed by a splinter group in the state legislature. The Bayelsa State House of Assembly has twenty-four members but only fifteen members commenced the impeachment process. The one-third of the votes (8 members) requirement to serve the governor with the allegations of gross misconduct was met but the two-thirds majority vote required to proceed with the investigation was not (Lawan, 2010). A respondent who was at the time the then speaker, who presided over the impeachment of governor Alamieyeseigha, recounted the events leading to the impeachment thus:

> The requirement of the constitution was for one third of the members to sign the notice of impeachment and in the case of Bayelsa one third means 8 but we are 24 members house and in our own case more than 8 people signed and so the notice was served on him. The illegal process that was observed at that time was that when it came to the adoption of the motion to setup the seven man panel, we fell short of the required members; we could only muster 15 members instead of 16. Also the EFCC invited us and those who honoured the invitation signed the second notice of impeachment… It was after the

> impeachment that the sixteenth person joined, that was Dudafa (Interview with Peremobowei Ebebi, then Speaker of the Bayelsa House of Asembly and former deputy governor of Bayelsa State, in Yenagoa, on 26/01/ 2017).

The impeached Speaker of the State House of Assembly recalled the events of that period thus:

> … EFCC assembled all the Assembly members in an open cell room in Lagos where the impeachment notice was prepared. You either sign or you go to jail… Impeachment that was supposed to be done in Bayelsa State, Assembly members were assembled in an isolated place under surveillance and threats and they were escorted from Abuja straight to the Assembly to conduct the impeachment. One significant thing about that impeachment is that the quorum was not formed at the time of impeachment. The signatories of the impeachment were even collated before and after the impeachment to justify it was genuine. (Interview with Chief Boyelayefa Debekeme, the impeached Speaker of the Bayelsa State House of Assembly, in Yenagoa, on 04/01/2017).

However, another respondent Chief Eliott Osomo, who at the time was a member of the state's legislature, and the mover of the motion for the impeachment of governor Alamieyeseigha argued that, the impeachment saga was rooted in the conflict between the embattled Governor Alamieyeseigha and the then President Olusegun Obasanjo who incidentally belonged to the same party, the PDP. In the words of the respondent:

> In Bayelsa State, to be very candid, Alamieyeseigha had over two third of the members of the Assembly. And ordinarily, for him to be impeached was never, never conceived. But his impeachment was actually propelled by the president of the country at that time, Chief Olusegun Obasanjo. [However] they had their personal issues, so it does appear that he was looking for an opportunity and when the issue of money laundering and other issues came up, he took it as an opportunity. I particularly went to Aso Rock when Obasanjo threatened to declare a state of emergency if Alamieyeseigha was not impeached, and we told him that impeachment was a process and if the process is not followed, the impeachment will not work. Therefore, he should give the Legislators a chance to actually fulfill the process so that the process will work. In a nutshell, the impeachment of Chief D.S.P Alamieyeseigha actually came from the

> top, which is from the presidency under the leadership of Chief Olusegun Obasanjo (Interview with Chief Augustus Elliot Osomu, former member of the Bayelsa State House of Assembly, in Yenagoa, on 10/01/2017).

The former governor was arrested in London and charged on allegations of money laundering (Polgreen, 2005; Lawan, 2010). He was released on bail and jumped bail and absconded to Nigeria. Prior to this time, the EFCC had been on his trail over sundry allegations relating to misuse of mandate and corruption. The EFCC was able to perceive that the members of the legislature were reluctant to impeach the former governor because they benefited from the misappropriated funds of the state (Umanah 2005). When the EFCC invited the lawmakers to Lagos for questioning, they were arrested and threatened with prosecution if they refused to commence the impeachment of the former governor (Obiyan, 2013). Eventually, fifteen out of the Twenty-Four legislative members agreed to begin procedures of impeaching the governor. The Speaker, Peremobowei Ebebi, while announcing that the legislature had served the governor with the allegation notice in order to ensure his removal said, "A governor who disguised himself as a woman to run away from justice in London should not be our governor. It is a slap on our collective dignity as a people and our sensibilities as a people" (Omololu 2016:110). On December 9, 2005, the lawmakers pronounced the removal of Diepreye Alamieyeseigha as Bayelsa State governor.

Two issues common to the three cases under review are the absence of party discipline and intra-party conflict. It is instructive to bear in mind that these cases concern the party in power at the time- the PDP. It must also be emphasized that the intra party conflict disagreement within the governing party with all of them incidentally members of the PDP. These conflicts, it must be re-emphasised had nothing to do with the ideology or governance direction in these states. Rather they were generated by the narrow and pecuniary interests of the belligerents. Commenting on the nature of the conflict in the Oyo State saga which holds true for all other cases, Simbine, (2007) averred that:

> What is obvious from this crisis is an invidious power play; a general lack of political accommodation, when it is considered that all these happened among members of the same political party. Obviously, the party in control of the state government did not, or was plainly incapable of handling the matter when parties ought to act as

> harmonizing agents within and between arms of government and between various societal interests (Simbine, 2007:57).

Other noticeable parallels in the impeachment process played out in the three (3) states are the clandestine meeting of legislators in non-legislative places and at strange hours of the day. In Oyo State, rather than sit at the Oyo State House of Assembly Complex at the Secretariat in Ibadan, the 18 legislators who impeached Governor Ladoja conveyed at one D'Rovans Hotel in Ring Road, Ibadan, Oyo State, where they putatively suspended the legislature's Draft Rules and also prepared a notice of allegations of gross misconduct against the governor, with the purpose of impeaching him. The hotel meeting option was employed because attempts to impeach the governor on the floor of the house were greeted with violence between the pro-Adedibu and pro-Ladoja factions.

The premises of the state's legislature were practically transformed into a battle ground. Therefore, the 18 members pursuing the impeachment moved their plenary session to D'Rovans Hotel in Ring Road, Ibadan. It was here the group drafted and supposedly served the allegation notice to impeach the governor. The sitting of the 18 members at a venue other than the official venue of the House of Assembly formed part of the legal grounds on which the Supreme Court overturned the impeachment of Ladoja. In the words of Niki Tobi, JSC:

> A legislature is not a secret organisation or a secret cult or fraternity where things are done in utmost secrecy in the recess of a hotel. On the contrary, a legislature is a public institution, built mostly on public property to the glare and visibility of the public. As a democratic institution operating in a democracy, the actions and inactions of a House of Assembly are subject to public judgment and public opinion. The public nature and content of the legislature is emphasised by the gallery where members of the public sit to watch the proceedings. Although I concede the point that a legislature has the right to clear the gallery in certain deliberations for security reasons, I do not think proceedings for the removal of a Governor should be hidden from the public. I want to ask a few questions on the mace. Was the mace at the D'Rovans Hotel? If it was there, was that the proper place? If it was not there, can parliamentary decisions be taken constitutionally without the mace? If the mace was there, who carried it? Was the Sergeant-at-Arms there?…Proceedings of a House of Assembly should be held in parliamentary hours… a House of Assembly has no business to perform in the odd hours of midnight or in the early hours of the morning before the parliamentary hours

> prescribed by the rules (Inakoju & 17 Ors v. Adeleke & 3 Ors, pg.443), Pt. 1025.

Having compiled the allegation notice indicting Ladoja on the charge of gross misconduct, the G18 lawmakers published a letter in the *Nigerian Tribune* on December 14, 2005. The letter was dated December 9, 2005 and entitled "Notice of Allegation of Gross Misconduct against Senator Adewolu, Rasheed Ladoja Executive Governor of Oyo State, pursuant to Section 188 of the Constitution of the Federal Republic of Nigeria". It was addressed to the speaker of the state's legislature to inform him that a notice of allegations had been compiled against Senator Rashidi Ladoja by "not less than 1/3 of all the members" of the state's legislative arm (Omololu 2016: 134).

Nevertheless, in a quick reply, the speaker of the state's legislature published also in the Nigerian Tribune that he did not receive any notice of indictment against the governor. On this note, he enjoined the public to disregard the publication of the anti-Ladoja faction. In another publication, a member of the G18 who had been designated as 'deputy speaker' in the purported plenary at the D'Rovans Hotel, Mr. Taiwo Oluyemi Adewale, signed a letter with which he served an allegation notice on Governor Ladoja. The notice appeared in sequence in the *Nigerian Tribune* newspaper for up to three editions. Afterwards, the 'Deputy Speaker' from the Group 18 presented the allegation notice to the Acting Chief Judge of Oyo State, Afolabi Adeniran, enjoining him to inaugurate a panel of seven members which Section 188 stipulate (Ibid).

In Dariye's case, the six (6) lawmakers who orchestrated his impeachment had arrived Jos, the capital of Plateau State, at about 4.00 a.m. amidst heavy security and proceeded to the state House of Assembly complex where they sat for about 40 minutes to deliberate on the interim report of the investigative panel probing the governor over alleged abuse of office and other financial misappropriation. Confirming the odd hours at which these illegal legislative activities were carried out, a key respondent who was a member of the Plateau State House of Assembly at the time observed:

> When the six members were being moved, youth and civil society organized a protests not to allow them within the premises of the House of Assembly. One person was shot and lost his life. They went in forcefully, information reached us that they left Abuja about

> 3.30am and got here in the early morning. What I heard was that, they did not spend much time and the impeachment was done and the Deputy Governor was called for swearing-in. That was how it went (Interview with Victor Lapang, former member of the Plateau State House of Assembly, in Jos, on 13/03/2017).

Chairman of the panel, Chief John Mark Samchi, was said to have been called upon late Sunday night to prepare his report based on the document in his possession and be ready to submit it to the six pro-impeachment legislators. At the chamber of the state assembly where the impeachment process was conducted, only the six lawmakers, the Clerk of the House, Mr. Cornelius Shilobal, two members of the investigative panel and security operatives were present (Omololu, 2016). The lawmakers and other external parties pushing for the impeachment did not wait for the full report of the investigative panel owing to the fear that four of the panel's members were planning to opt out of the procedure and also that the Court of Appeal might grant an injunction against the sitting of the panel. Immediately after the plenary, the lawmakers were driven back to Abuja under tight security escort, while another troop of security men were deployed at Ray Field Government House and other strategic parts of the town. The official residence of the Secretary to the State Government, Chief John Gobak, was cordoned; so was the private residence of former Governor Dariye in Bukuru town, Jos South Local Council of the state (Ibid).

In the three states under review, the panels of inquiry inaugurated to investigate the allegations of misconduct levied against the governors conducted their duties with a lot of bias as they breached the governors' rights to fair hearing. Whereas they were still complaining about the composition of members of the panel the State Chief Judges never gave heed to their complaints. The inability of the judiciary at the state level to assert its independence and insist on the strict compliance with constitutional provisions is another parallel that runs through all the three impeachments under review. Simbine (2007), argued along this line when she observed that "…it does not seem that the judiciary rose up adequately to its responsibility; it allowed itself to be used and, several times in this case, court processes were abused as injunctions were issued and flouted indiscriminately…" (Simbine, 2007:57).

One more characteristic common to the impeachment procedures of these three states is the prevalence of a strong Federal Government influence. This was mainly done via god-fathering politicking, interference by corruption fighting agencies such as the EFCC and the lobbying of legislative members to support and/or orchestrate impeachment moves. The comments of key respondents amply prove this. A respondent who was at the time the then secretary to the Bayelsa State Government, commenting on Alamieyeseigha's impeachment in Bayelsa State observed that:

> I think that impeachment from my own knowledge, number one, is the federal government, which was at that time headed by Chief Olusegun Obasanjo. The other party was the interest of the Bayelsa Stakeholders. Then the other interest, which is very small, is the interest of those who thought that if D.S.P. Alamieyeseigha is not there they probably will emerge as governor. That, is, looking at those who were in the House of Assembly too were thinking about that. Then, you look at those who were in the executive, were probably also thinking that if Alamieyeseigha goes, they would become the governor. So, all these parties were playing it out; so if you look at the federal government, you can say the federal government was Chief Olusegun Obasanjo using Nuhu Ribadu who was the EFCC chairman at that time, and the stakeholders in Bayelsa State. Then you have key players like even the Deputy Governor, in person of President Goodluck Ebele Jonathan. There were also interest groups like Chief Timi Alaibe and others who were also interested in the executive office of the governor. On the other hand, you have some people in the Assembly, people like Hon. Peremobowei Ebebi and others who were also interested in moving from speaker to a bigger position of either Deputy Governor or even the governor himself. The truth is that most of these people, especially the members of the House of Assembly were victims of the political inter-play of the federal government and the stakeholders so, those people from the House of Assembly, from my own point of view were not players of their own volition, they were players being forced upon them by the federal government using the EFCC, because its public knowledge that they were all moved to Abuja and were cajoled and threatened to actively carry out that impeachment (Interview with Professor Steve Azaiki, former secretary to the Bayelsa State Government, in Yenagoa, on 06/01/2017).

Another respondent who at the time was a member of the Bayelsa State House of Assembly had this to say:

> The impeachment per se was not intended by the Assembly members, it was not intended by Bayelsans, because at that point in time, the Assembly and Bayelsans had no rancour with the leadership of Chief D.S.P. Alamieyeseigha. What transpired was an upper flow from the federal level. It was a kind of power tussle within the leadership of the PDP at the federal level at that time led by President Olusegun Obasanjo and at the state level on issues concerning derivation, unjust treatment of the state and this personality clash led to the deployment of federal might to impeach Chief D.S.P. Alamieyeseigha. In a nutshell that impeachment was imposed on the state House of Assembly members who could not stand the pressure at that point in time, gave in and the governor was impeached (Interview with Hon. Ofoni D. Williams, former member of the Bayelsa State House of Assembly, in Yenagoa, on 06/01/2017).

Similarly, for Oyo State, a key respondent who at the time was the substantive Speaker of the Oyo State House of Assembly revealed that:

> The purported impeachment of Senator Rashidi Adewolu Ladoja as the governor of Oyo State came about as a result of a conflict between the then President of the Federal Republic of Nigerian, in the person of Chief Olusegun Obasanjo and Senator Rashidi Adewolu Ladoja, the then Governor of Oyo State. There was a misunderstanding between the two of them and I can rightly tell you that what led to the crisis was the observation by the then President of the Federal Republic of Nigeria that Senator Rashidi Adewolu Ladoja was not in support of the third-term ambition of Chief Olusegun Obasanjo. Prior to that period there was crisis between Senator Rashidi Adewolu Ladoja and Chief Lamidi Aribi Adedibu and the then President made use of Chief Lamidi Adedibu to influence the members of the State House of Assembly to carry out the purported impeachment. Although they were eighteen out of the thirty-two members in the House of Assembly which is less than two-thirds majority in the State House of Assembly that can carry out or that is allowed by the Constitution of the Federal Republic of Nigeria, as amended, to carry out such impeachment (Interview with Hon. Adeolu Abraham Adeleke, former speaker of the Oyo State House of Assembly, in Ibadan, on 08/12/2016).

Another respondent who at the time was a member of the Oyo State House of Assembly notes:

> Succession plan was not in place and the impeachment destroyed PDP in Oyo State and Nigeria at large as Obasanjo was the cause and against those not supporting him because of his third term agenda. So those that are not in his agenda are to go so that he will have governors to support him, the godfathers too had grievances but the Federal government support to make it difficult for the governor (Interview with Hon. Olufemi Josiah, former member of the House of Assembly, in Ibadan, on 16/02/2017).

With regard to Plateau State, a key respondent who at the time was a honourable member of the Plateau State House of Assembly had this to say that:

> …We the members of the House of Assembly were invited to Abuja by the President…We had meeting with the elders after we came back from Abuja. Before we knew anything, we were summoned back by the Deputy Senate President, he told us in clear terms that, the governor had to be out of the way. We said okay, but said we are going to investigate. I think they wanted action immediately and the very next day while we were in Abuja, a state of emergency was slammed on Plateau State. All democratic and elected institutions in the state were suspended. Ultimately it lasted for 6 months and we felt that if you have any accusation against him, follow due process, bring it to the house, let us investigate and if the offences were impeachable we would impeach him. But they were impatient… We were taken to the EFCC in ASO Rock at that time. We spent about a week there and were moved to Awolowo Road in Lagos. They felt we were not cooperative but as Nuhu Ribadu said that time "even if it is a dog that runs across the chamber of the House of Assembly, Dariye will be impeached"… Ultimately, they impeached Dariye with 6 members… (Interview with Hon. Victor Lapang, former member of the Plateau State House of Assembly, in Jos, on 13/03/2017).

One other respondent and former Punch correspondent in Jos observed:

> Obasanjo used some Plateau indigenes and wanted Dariye out at any time and even pleaded with Lalong to take over. But Lalong said he cannot overthrow his boss. So, the person that was the brain behind the state of emergency is Alhaji Nasiru Ibrahim Mantu, the then Deputy Senate President. There are other persons that collaborated with the aforementioned people, like Jonah Jang and Pauline Talen

> who were all alleged to be in that group (Interview with Jude Owuamanam, former Punch Correspondent, in Jos, on 15/03/2017).

Simbine (2007) clearly corroborated the views of the respondents on the strong arm tactics used by the Obasanjo led federal government in all the impeachment cases when she asserted that:

> "…if not for the National Executive interest in the case, it could not have been possible for armoured tank and other security instrument of force to be deployed on the impeachment day of the State's erstwhile chief security officer. Similarly, nonchalant of the (Federal) executive to the political crisis gave it away as an interested party" (Simbine, 2007:52).

The point at issue in the three states was not that there was absence of glaring cases of bad governance and leadership delinquency; it was the insincerity and hypocrisy of the promoters of impeachment ostensibly on the grounds of gross misconduct and the deployment of unconstitutional means to effecting the processes and procedures of impeachment. With the exception of the Bayelsa State case, where the impeachment was not upturned, the Supreme Court affirmed itself as the protector of democratic values and controller of judicial recklessness and desperate politicians who turned the courts in their respective domain as another arena for gladiatorial fights.

4.3 Research Question Three: What were the legal and unconventional approaches to the management of the impeachments in the states?

To understand the extent of legality or otherwise in the management of the impeachment processes across the three states, it is expedient to explicate the provision of the law bothering on the subject matter and recount the facts of each case as it played out. Section 188 of the 1999 Constitution of Nigeria clearly states that an act of gross misconduct constitutes an impeachable offense for a Governor or Deputy Governor of a State. An impeachable offense is defined in Section 188 (11) as "a grave violation or breach of the provisions of this Constitution or a misconduct of such nature as amounts in the opinion of the House of Assembly to misconduct" (Constitution of the Federal Republic of Nigeria, 1999).

Subsections 2 through 9 of Section 188 specify the stages, frameworks and time-line of the impeachment processes. The first stage is notification, wherein notice of an allegation is

produced in written form and signed by at least one-third of the legislature. The second stage is receipt of notice. In seven days of receiving the notice from the legislative signatories, the assembly's speaker, as the presiding officer, must ensure that the charged officeholder and every member of the legislature are informed. In addition, the reply of the accused officeholder to the allegation must be issued to every member of the legislature.

The third stage of the impeachment process involves making a motion. Within fourteen days of serving the notice on the speaker (regardless of whether a statement has been made by the defendant to respond to the allegations), the legislature is expected to make resolution by motion and without any debate on whether to investigate the allegation or not. The fourth stage is the passing of the motion. A motion of the legislature that supports the investigation must be passed by at least, two-thirds majority of all members.

The fifth stage is the appointment of a seven-person investigative committee by the state's chief judge as soon as requested of the state assembly's speaker. In the sixth stage, the officeholder under investigation is permitted to defend himself in person or through his elected representative before the investigative panel. The investigative committee report constitutes the seventh stage. Within three months of its inauguration, the committee must make the report of its findings available to the legislature. The final stage of the impeachment process is consideration of the investigative panel's report. If the report has not proved the allegation against the officeholder, no further action is taken. But when an allegation has been proved, within fourteen days of receiving it, the legislature must consider the report. If the report is adopted by two-thirds majority of the members, the accused officeholder stands impeached from the moment of the adoption.

4.3.1 Facts about Ladoja's Impeachment Case

Senator Rasheed Ladoja was elected Governor of Oyo State in May 2003. Hon. Abraham Adeolu Adeleke and Hon. Barrister Titilayo Ademola Dauda were respectively the Speaker and Deputy Speaker in the state's legislature. By the end of 2005, the membership of the Oyo State House of Assembly became factionalized owing to some disagreements amongst them. The Two-thirty member assembly was divided into two opposing factions. Eighteen members belonged to the

anti-Ladoja division while the Speaker, the Deputy Speaker, and twelve other members of the House were pro-Ladoja. On December 13, 2005 the 18 lawmakers that were against the governor met and sat at D'Rovans Hotel in Ring Road, Ibadan. There, they drafted an allegation notice against the governor without the consent of the Speaker or the Deputy Speaker. The governor was also purportedly served the notice by the 18 anti-Ladoja group through a newspaper publication. Afterwards, the group directed the state's acting Chief Judge to inaugurate a seven-member panel for the purpose of investigating the accusations drawn up against the governor. The Acting Chief Judge put the panel in place on 5th January, 2006 to look into the allegations against the governor.

Eventually, the panel which only met for two days and did not take any oral evidence from anyone, forwarded its report to the G18 anti-Ladoja faction early on 12th January, 2006 when the group held its meeting to impeach the governor. The anti-Ladoja group in turn passed a resolution by which they purportedly impeached the governor. It is worthy of note that as at the 12th January 2006 when the group held its meeting to impeach the governor, there was a court action filed by the governor challenging his impending impeachment and a motion for directive to stop the legislators from proceeding with their impeachment plan.

The Speaker and Deputy Speaker reacted to the action taken by the 18-member faction by commencing a legal action against the 18-member faction. The reaction of the 18-member faction was that upon service of the processes on them, they filed a notice of preliminary objection, on the grounds that the court had no jurisdiction to look into the claim relating to exercise of legislative power. The trial judge upheld the preliminary objection of the 18 member faction. The Speaker and Deputy Speaker appealed to the Court of Appeal, Ibadan division. The Court of Appeal held that the court had the power to attend to the suit. The Court of Appeal then went ahead to invoke Section 16 of the Court of Appeal Act, and decided to hear the matter on its merit. It then held that the purported removal of Governor Ladoja was null and void. When the 18-member faction appealed to the Supreme Court, the apex court upheld the decision of the Court of Appeal nullifying the alleged impeachment of the Court of Appeal.

4.3.2 Facts about Dariye's Impeachment Case

The then assembly of Plateau State consisted of 24 members. Between the 25th and the 26th of July 2006, 14 legislators out of the 24 including the Speaker and Deputy Speaker thereof defected from the People's Democratic Party (PDP), through whose platform the got elected to the House in 2003 to the Advanced Congress of Democrats (ACD). Owing to this movement of the fourteen members, their seats were formally declared vacant leaving the legislature with only 10 members. On the 5th of October 2006, eight of the remaining ten members served the governor with an allegation notice of gross misconduct which would initiate the process of impeaching him. This notice was signed by 8 out of the 10 officially recognised lawmakers of the state assembly. Throughout the processes culminating in the governor's impeachment, the state's legislature was comprised of just ten legislators and eight of them gave their supports to the proceedings and voted for the impeachment of the governor.

After the said 14 members of the House including the Speaker and the Deputy Speaker had defected, Mr Michael Dapianlong became the new Speaker Protempore of the House and via a letter dated October 5, 2005 and addressed to the Chairman of the Independent National Electoral Commission (INEC), he invited INEC to conduct a by-election in order to fill the unoccupied seats. Thereafter, Mr Dapianlong directed the Acting Chief Judge of the state to inaugurate a seven-person investigative panel to look into the accusations of gross misconduct put against Dariye. The said panel which was headed by Mr. John Mark Samchi embarked on this task and presented its report to the state's legislature. The legislature adopted the report on November 13, 2006 to proceed on the eventual removal of the governor. As of the time the governor was removed, no election had been conducted to fill the vacant seats of the suspended House Members. Consequent upon the this fact, on November 27, 2006 the governor filed a case against his removal at the High Court of Plateau State by way of originating a summons supported by an affidavit. The 8-member faction responded to this by filing a Notice of Preliminary Objection on December 12, 2006. After several appeals and motions and counter motions based on legal technicalities, the matter got to the Supreme Court where it was held that the governor's removal was unconstitutional and therefore null and void.

4.3.3 Facts about Alamieyeseigha's Impeachment Case

On the 9th December 2005, Governor DSP Alamieyesigha of Bayelsa State became the second Governor to be impeached after Balarabe Musa in Nigeria; and the first governor to be impeached in the fourth republic. The federal government on November 23rd 2005 instigated the Bayelsa State House of Assembly members to commence the process of impeaching the governor after rafts of impeachable offences were leveled against him. The Chief Judge of Bayelsa State at the time, Justice Emmanuel Igoniwari, was called upon to inaugurate a 7 man probe panel headed by Chief Barr. Serena Dokubo-Spiff. The panel worked on an additional ground allegedly smuggled into the said impeachment notice and an interim report was prepared and signed by members of the panel based solely on the additional ground of impeachment. The additional ground was based on the fact of the Governor's jumping bail in the United Kingdom where he was being prosecuted for money laundering. The panel presented its preliminary report to the state's legislature and as early as 5am on 9th December 2005, the government House had been surrounded by anti-riot policemen with armed soldiers providing backup. Soon, members of the state's legislature who covertly acted on the instruction of the presidency, met in Yenagoa where 17 of the 19 members present, allegedly voted in favour of the impeachment.

As soon as Alameyeseigha was impeached, armed police and soldiers swooped on the Creek Haven, Government House in Yenagoa and took him to police headquarters, Abuja. The embattled governor was aggrieved by the process which culminated in his removal from office and his arrest. Consequently he commenced a suit at the High Court of Bayelsa State challenging his removal on grounds that the panel constituted by the chief judge was improperly put in place and his right to fair hearing was foreclosed.

The suit was filed against the Chief Judge of the State, Hon. Justice Emmanuel Igoniwari, seven members of the panel inaugurated by the Chief Judge, the Deputy Governor and Speaker of the state's assembly. The defendants challenged the jurisdiction of the court in view of the ouster clause in Section 188 (10) of the 1999 Constitution. The trial court acceded to the objection of the defendants and struck the matter out. The embattled governor appealed to the Court of Appeal. The Court of Appeal held that it had jurisdiction to hear an impeachment proceeding

where due process was not followed in line with the constitutional provision in Section 188 (1) – (9), notwithstanding the provision of section 188 (10). The court then gave the order that the matter be taken back to the trial court for retrial when the governor's tenure had only seven weeks left before expiration. Besides, he was thrown into prison while his prosecution trials by EFCC and ICPC were going on.

4.3.4 Legal and Unconventional Approaches

From the facts above, there are apparent traces of superficial constitutional compliance in the three states. The chief judges of the States apparently appointed a seven-person panel at the request of the speakers of the Houses of Assemblies but the manner in which members of the panel were selected did not fulfil the minimum requirement as stated in the relevant sections of the constitution. The governors therefore complained and challenged the membership of certain individuals who they claimed were partisan and interested parties in violation of Section 188 (5) of the 1999 constitution which states:

> Within seven days of the passing of a motion under the foregoing provisions of this section, the Chief Judge shall at the request of the Speaker of the House of Assembly, appoint a Panel of seven persons who in his opinion are of unquestionable integrity, not being members of any public service, legislative house or political party, to investigate the allegation as provided in this section.

In Bayelsa State, there appeared to be some measure of compliance with the constitutional number needed to form a quorum to sign the notice of allegation to be served on the governor (Section 188 [2]). The other condition of a two-third majority needed to adopt the report of the seven member panel was also met. However, the constitutional requirement of the two- third of all members to adopt the motion for investigation of the governor was not met (Section 188 [4]). However, it can largely be said that the impeachment processes in these states did not substantially comply with the Constitutional requirement of section 188. Hence, it is not out of place to conclude that the approaches employed in the impeachment exercise were substantially in non-compliance with the provisions of the constitution. A key respondent who at a time was a former Speaker of the Oyo State House of Assembly, speaking on the illegality of procedure leading to the impeachment of Governor Ladoja, observed:

> All the approaches were all non-legal approaches they used in impeaching Ladoja. No matter how powerful a president is, the governor is not his appointee, he cannot just dictate from Abuja or from anywhere. Even, with due respect, God in his capacity can't remove the governor unless there is incapacitation. God cannot say Mr. Governor I do not want you there, impossible!!! There is constitutional procedure before you remove a governor. Is he incapacitated health wise? Even that one has to be determined by a physician. So should be the impeachment of governor Ladoja down to the composition by the Chief Judge of the State (Interview with Rt. Hon. Azeez Alarape, former Speaker of the Oyo State House of Assembly, in Ibadan, on 23/02/2017).

Some of the non-legal approaches undertaken by the impeachment progenitors are the service of notice required under section 188 (2) of the 1999 Constitution and the non-compliance with the quorum requirement under section 188 (4) of the Constitution. In Oyo State specifically, the service of notice was done vide a newspaper publication instead of being served on the Speaker of the House in person who would then serve same on the affected office holder. In any case, the Speaker of the House was not party to the impeachment process. In addition, the 18 pro-impeachment members did not attain the two-third majority required under section 188 (4) to approve that the notice of allegation be investigated. Yet they went ahead to pass a motion that the allegation against the governor be investigated. Speaking specifically on the non-legal approach deployed by his adversaries in their quest for his impeachment, a legal luminary, a constitutional lawyer, Robert Clark argued that:

> The correct mode of instituting impeachment was not followed in Inakoju vs Adeleke case, where most legislators were regarded as gangsters by the Supreme Court, in that they left the normal place where legislative functions could take place and go to hotels to impeach. We can see that impeachment has not been given that seriousness which the makers of the constitution envisage. It is a last instrument that can be used in any democracy to remove somebody who has been fully elected by the people. And we have used it for political purposes, not for the main reasons of enhancing good governance (Interview with Robert Clarke, SAN, a constitutional lawyer, in Lagos, on 21/05/2017).

The former governor of Oyo State revealed that all along he made sure he maintained within his camp specific members of the House of Assembly so as to frustrate his opponents from mustering the required number needed to effect his impeachment. Twisting the interpretations of

relevant sections of the constitution in order to achieve a pre-determined goal is a testament to the crass and brazen disregard for constitutional provisions which was the order of the day. In his words:

> …we knew to impeach, you must be able to secure two-third of the members of the House of Assembly. It is just as if you want to play football, you can keep your opponent at off-side not to score. Therefore, you must be able to keep one-third of the members of the House of Assembly. We had 32 members in the House, so we needed to keep at least 12, in fact, 11 would have been sufficient because 21 could not make the two-third of the house. So we say let us manage to keep 12 and luckily we kept 14 members with that we believe there was no way they could carry out that impeachment. You know some lawyers are liars, they told them that they can do it if by suspending some members. Since, 18 will be meeting with the two-third if some 12 members are suspended… So, they claimed they suspended some people. Part of it is the Speaker that must write to the Chief Justice, and the Chief Justice is supposed to know who the speaker is. (Interview with Rasheed Ladoja, in Ibadan, on 20/05/2017).

The then Speaker of the Oyo state House of Assembly captured the Oyo experience elaborately:

> The impeachment that was carried out against Senator Rashidi Adewolu Ladoja was totally in flagrant violation of the 1999 Constitution of the Federal Republic of Nigeria as amended, and that was the position of the judiciary right from the start. The State High Court nullified the impeachment, the Court of Appeal nullified the impeachment of Senator Rashidi Adewolu Ladoja, also the Supreme Court nullified the impeachment of Senator Rashidi Adewolu Ladoja and also nullified the impeachment of myself as the Speaker of the Oyo State House of Assembly. So, invariably, the impeachment as was carried out by the eighteen members out of the thirty-two members of the State House of Assembly was not in conformity with the Constitution of the Federal Republic of Nigeria (Interview with Rt. Hon. Adeolu Abraham Adeleke former Speaker of Oyo State House of Assembly, in Ibadan, on 08/12/2016).

He further added that:

> In the light of that, the impeachment, right from the State High court down to the Supreme Court was declared as null and void. Section 188 of the 1999 Constitution of the Federal Republic of Nigeria as amended, right from section 188 (1-10) were flagrantly violated by the members that carried out the purported impeachment. Section 188(5) of the 1999 Constitution as amended expressly states that before an impeachment can be carried out by the State House of Assembly against the Governor or the Deputy Governor of the State, the members of the House of Assembly must publish the allegations against the Governor. This was not done in the case of Senator Rashidi Adewolu Ladoja. More so, before impeachment can be carried out against the governor the members of the State House of Assembly must ensure that they meet the two-third requirement before they can ask the State Chief Judge of the State to constitute an investigative panel to investigate the allegations against the governor. In the case of Senator Rashidi Adewolu Ladoja eighteen members sat, even outside the Assembly complex, outside the hallowed Chamber of the State House of Assembly. They moved into a hotel (De Rovers Hotel) to be specific and to carry out impeachment against the governor, which is unlawful and contravenes the 1999 Constitution of the Federal Republic of Nigeria as amended (ibid)**.**

In Alamieyeseigha case, many arbitrary and non-legal methods were deployed in order to effect his impeachment. The then Secretary to the State Government narrated his experience thus:

> The entire process of the impeachment of Chief D.S.P. Alamieyeseigha remained illegal and unconstitutional. If we believe in the future of this country, no matter what it takes, we should be able to say the truth. Why evil people still remain in this world and playing active role is because good people have refused to say the truth. The truth about this matter is that it was illegal, it was unconstitutional, it was a slap on democracy; that nascent democracy that Nigeria has just began. (Interview with Professor Steve Azaiki, in Yenagoa, on 06/01/2017)

Confirming this position with respect to the purported impeachment of Dariye in Plateau State, a respondent, a former Punch Newspaper correspondent in Jos stated:

> …so, there was no proper democratic process about Dariye impeachment, those steps were just taken to suite their particular purpose and to make sure Dariye was gotten rid of. Furthermore, the political implication is that, for the first time in the history of Nigeria

> we had a situation where the provisions of the constitution were not adhered to. The constitution say: "two-third of the majority of the house must say YES to impeachment" but here we saw only 6 people impeaching an elected governor. And it has a lot of implications on the politics of Nigeria (Interview with Jude Owuamanam, former Punch Newspaper correspondent, in Jos, on 15/03/2017).

He stated further that:

> …That period was a unique period in Nigeria as there was a lot of constitutional breaches, that we hear of 6 greater than 24, just as we heard 16 greater than 19 in the case of Governors forum. Nobody anticipated that Dariye will be Governor because he is from the minorities. And so, naturally he is supposed to have a lot of god-fathers. When the demands for settlement from here and there became too much, the opposition around him grew and that opposition was led by the then Deputy Senate President, Senator Nasiru Mantu. The sitting of the House was not here, The members were stuffed in air-condition buses, every morning from Abuja to Jos, Jos to Abuja where they could just constitute a Kangaroo sitting just to impeach and remove the then Governor Joshua Dariye (ibid).

Buttressing on the non-legal methods employed a member of the Peoples' Democratic Party and the present Publicity Secretary of the PDP in the Plateau State Chapter also narrated his experience on the Dariye's impeachment in the following words:

> Due legal process was followed in the impeachment, except as court faulted the number of lawmakers that carried out the impeachment … that only 6 members did the impeachment, the other 2 who were present in the day of the impeachment refused to support or sign. (Interview with John Akaans, in Jos, on 17/03/2017).

Another respondent Barrister Charles Obishai a former member of the seven man panel that investigated the allegations against governor Dariye confirming to this, said that:

> The integrity of the panel was not in doubt and was not the issue…was the impeachment process particularly the number of the members of the house. If you read that case, how many members were there? Did they form two-third required to initiate impeachment proceedings? No! (Interview with Barr. Charles Obishia SAN, Lawyer and former member of the seven man panel that investigated Dariye, in Jos, on 05/03/2017).

The neutrality of the members of the constituted panel in line with Section 188 (5) was an issue of contention during Alamieyeseigha case. Governor Alamieyeseigha challenged the composition of the panel in court and whilst the Court of Appeal did decide on the issue, a key respondent who at the time was the Secretary to the Bayelsa State Government had this to say about the neutrality of the panel members:

> The Chief Judge at that time is from the same sub-ethnic coloration with the then Deputy Governor, whom, already, the Obasanjo government had positioned to take over from Alamieyeseigha ,and understandably, that Chief Judge was already bias…so even the constitution of the panel, something was wrong.(Interview with Professor Steve Azaiki, former secretary of Bayelsa State House of Assembly, in Yenagoa, on 06/01/2017).

A member of the seven-member panel that investigated the impeachment allegations of Governor DSP Alamieyeseigha and respondent in an interview with the researcher corroborated the above submissions that:

> We were like a Kangaroo court as we did not give Alamieyeseigha opportunity to defend himself…there was no question I asked my fellow panel members that answers were provided. So there was no fair trial. I asked them to show any report or letter from the UK authorities or police that suggested that he jumped bail. I also asked why we were in a hurry to submit an interim report without hearing from him, it will be better to take all the issues before a final report should be written. But all these questions, there was no answers (Interview with Lady Gladys Brisibe, former member of the seven man panel that investigated Alamieyeseigha, in Yenagoa, on 14/01/2017).

The lack of fair hearing during the panel's proceedings under section 188 (6) was a central flaw common to the three states. Section 188 (6) provides that, "the holder of an office whose conduct is being investigated under this section shall have the right to defend himself in person or be represented before the Panel by a legal practitioner of his own choice". This right was not exercised by any of the three governors in Oyo, Plateau and Bayelsa States as the constituted panel hurriedly submitted their reports without giving the governors fair hearing. A respondent in Bayelsa State, a lawyer who followed the events of the removal of Alamieyeseigha asserted that:

> The actual hearing before the seven man panel was an area that Alamieyeseigha was never given opportunity to appear, so his rights were wantonly breached either by a representative or by himself. He

> was never, to the best of my knowledge, and that is wrong as far as am concerned. It was constitutionally wrong. The man ought to have been given the opportunity to defend his case (Interview with Barr. Zimugha Fedude, in Yenagoa, on 04/03/2017).

The appellate courts buttressed this point in all three cases on the issue; it is instructive to point out the Court of Appeal's decision in Dapianlong v Dariye (NWLR) [2007] Pt.1036, on fair hearing which accords with other cases. Justice Bulkachuwa, JSC held:

> The Principle of fair hearing as entrenched in the 1999 Constitution, to be more precise section 36(1) thereof, is a basic and fundamental principle of law that requires that a person whose legal rights or obligations are being questioned be given the liberty and opportunity by the courts or tribunals to defend such rights or obligations. The scenario is that he be heard before any adverse decision is made against him. In order to be fair and just, the adjudicating authority must give all parties before it an opportunity of being heard before arriving at its decision. Where this rule is not adhered to, an appellate court will nullify the proceedings. This is the stand taken by appellate courts and cases have been nullified for not observing this basic principle of audi alteram partem (35).

Commenting on the various non-legal approaches deployed in the pursuit of the Governors' impeachment, Chief Robert Clarke a constitutional lawyer and legal luminary stated in an interview granted the researcher that:

> To be honest with you, we have made mockery of democracy. Once you deviate, you start making mockery of the system. Before any governor or president does anything now they threaten him with impeachment. The position of impeachment in the constitution as set up is not really effective as usual. One thing I appreciate in the past two years, in the life of this regime is this, I don't think any governor has been impeached and that shows you the stability that is clipped into our political system. May be we are learning from the past mistakes. The rapidity of the number of impeachment we witnessed in the first and second terms of President Obasanjo are no longer reflected in the present-day democratic system. Maybe we are learning our lapses, maybe corruption which has been the cornerstone of our politics for the past 10 to 14 years, maybe we are holding it a bit and getting sanity in our democratic system (Interview with Robert Clarke SAN, a constitutional lawyer and legal luminary, in Lagos, on 21/05/2017).

The opinion of Justice Niki Tobi (a former Supreme Court Judge) on the need for the legislature to adhere strictly to its allotted sphere of constitutional duty is apt in this regard:

> The legislature is the custodian of a country's Constitution in the same way that the executive is the custodian of the policy of government and its execution, and also in the same way that the Judiciary is the custodian of the construction or interpretation of the Constitution. One major role of a custodian is to keep under lock and key the property under him so that it is not desecrated or abused. The legislature is expected to pet the provisions of the Constitution like the way the mother pets her day-old baby. The legislature is expected to abide by the provisions of the Constitution like the way the clergyman abides by the Bible and the Imam abides by the Koran. And so, when the legislature, the custodian, is responsible for the desecration and abuse of the provisions of the Constitution in terms of patent violation and breach, society and its people are the victims and the sufferers… Fortunately, society and its people are not totally helpless as the Judiciary, in the performance of its judicial functions under section 6 of the Constitution, is alive to check acts of violation, breach and indiscretions on the part of the legislature" (Inakoju & 17 Ors v. Adeleke & 3 Ors, NWLR, Pt. 1025).

It is also imperative to discuss the deployment of violence in all its forms—physical, structural and psychological—in the pursuit of impeachment or attempts to forestall it as another prominent non legal approach witnessed during that era. The asymmetric power relations between the belligerent ensured that federal forces and those aligned with them gained temporal ascendancy until judicial intervention reversed their gains as was the case in both Oyo and Plateau states.

In 2003, the Ladoja administration had charged Lateef Akinsola as popularly called 'Tokyo' for murder and kept him in detention under no bail for two years. While 'Tokyo' was in detention, Ladoja backed a rival Waliu Adegboyega a.k.a 'Tawa' to usurp 'Tokyo'. However, one Latteef Salaka also known as 'Eleweomo' led some of Adedibu's thugs to the State House of Assembly on the day Ladoja was impeached and coincidentally 'Tokyo' was released a few days after Ladoja's impeachment and he immediately moved to reassert his leadership. His supporters clashed severally with 'Tawa's supporters, disrupting the peace of a once tranquil city. The second phase of the crisis started with the battle of supremacy between 'Eleweomo' and 'Tokyo' during the tenure of Christopher Alao Akala. The net effect of the crisis was the climate of fear,

violence and instability leaving several deaths and destruction in its trail (HRW, 2007, Akingbade, 2011 Animasaun 2013, Osayi, 2015).

Hazeem Gbolarumi, a former personal assistant to Adedibu who became the deputy governor of Oyo State after Ladoja's impeachment, recently revisited the events that led to the impeachment in an interview with Tunde Thomas of Punch Newspaper, according to him:

> Baba Adedibu is not alive today, but it would be unfair for people to continue to lie against him, and again if people like me, who played a key role in the whole saga, failed to set the record straight, that would be very unfortunate. I make bold to declare once again through this medium that the decision to impeach Ladoja was not taken solely by Adedibu. It was the party elders and leaders who mandated Adedibu to effect Ladoja's impeachment. At the meeting where these leaders decided to impeach Ladoja, I was made the chairman of the task force to effect the impeachment. I was asked to lead PDP supporters, not just Adedibu's supporters to Government House and Oyo State House of Assembly to sack ex-governor Ladoja and those lawmakers loyal to him. Thank God, I was able to execute the operation successfully (The Nation Newspaper, 14 May 2017).

4.4 Research Question Four: How did the processes and patterns of implementation of the impeachments of the governors in the three states affect democracy, peace and security of the states and Nigeria?

The nature and structure of impeachment proceedings has implications not only for the quality of democracy and governance in a country, the peace and security of the country is also affected. In a democracy, impeachment is a legal instrument of the legislature to check gross misconduct. It is a guide against the betrayal of public trust, as it ensures the effectiveness, efficiency, transparency, and accountability of the other arms of government (Akinsanya et.al. 2002). However, impeachment can yield unintended outcomes like chaos and disorder when it is activated as an instrument of first resort rather than one of last resort, or when its proceedings are conducted without due regard for the scope and limits of power as embodied in a nation's constitution. In a democratic dispensation it is meant to serve as a check for a certain category of public officers to prevent unnecessary and undesirable abuse of office such as corruption,

lawlessness and other such conduct generally incompatible and unbecoming conduct of such occupant of such a high office. It is not meant to be a common occurrence because the provisions are meant to serve only as a check on the behaviour of the office holders.

This might be the reason why its conditions and processes are made to be long and extremely stringent to ensure that whenever the powers are invoked there would be a degree of certainty that the allegations against the chief executive is not spurious nor master minded by a cabal or a select few who feel aggrieved by the actions of the government of the day. Yet, it appears that the Nigerian factor has tainted the use of impeachment in the polity. This experience has not augured well and has, without doubt, negatively impacted the nation's quest for good governance, peace and security (Akeredolu, 2007). This appears to be the position of the learned Justices of the Supreme Court in their pronouncement on impeachment cases in Oyo and Plateau states. In the words of Niki Tobi as cited by Dakas (2010):

> The plethora of removal proceedings in respect of governors is not only frightening but is capable of affecting the stability of Nigeria. It is almost like a child's play as some state legislatures indulge in it with all the ease and comfort like the way the English man sips his coffee on his breakfast table. Unless the situation is arrested, Nigerians will wake up one morning and look for where their country is. That should worry every good Nigerian. It does not only worry me; the idea frightens me so much (Dakas, 2010).

Akaahs, JCA, further observes in Dapianlong & Ors v Dariye & Ors that:

> … impeachment is a serious business and must not be reduced to child's play … the provisions of the constitution on impeachment should not be construed in such manner as to enable a tiny cabal to gang up to remove an otherwise popular governor. This could bring about political instability leading to the breakdown of law and order which may ultimately result in anarchy. …Our country cannot develop politically and economically unless we respect the rule of law. Where the Constitution is torn into shreds by the action or inaction of those who are charged with the responsibility of upholding it, the net result is that a culture of lawlessness is sowed into the psyche of the people …in the eight years of Nigeria's return to democracy, the country has recorded a far greater number of impeachments of State chief executives than those of the United States of America in her over 200 years of existence in the practice of

> the presidential system of government from whence this country borrowed this form of government (ibid).

The impeachment of governors in Nigeria's Fourth Republic also has implications for vital values of liberal democracy, respect for constitutionality and the rule of law. A country's constitution is a charter and the underlying law of the land. The rule of law emphasises the supremacy or pre-eminence of the constitution as opposed to the influence of arbitrary powers or even broad discretionary authority on the part of government or its agencies. Since Nigeria returned to civil rule in 1999, the assault on the Constitution and the rule of law by the impeachment trend has manifested as a non-adherence to due process as constitutionally specified. The governors of such states as Anambra, Bayelsa, Ekiti, Oyo, Plateau and Adamawa were removed via impeachment processes by their respective state legislatures. Similarly, legislatures in Abia, Akwa Ibom, Cross River, Ekiti, Gombe, Jigawa, Katsina, Kebbi, Lagos, Osun, Bayelsa and Taraba States, removed their deputy governors. In all these cases, there were breaches of the procedures required by law and set out in the constitution to impeach these governors. However, landmark decisions of the courts reversed most of the cases, indicating the ability of a functional judiciary to serve as a restraint against the inclination of legislators to use the mechanism of impeachment indiscriminately. Sadly, the indiscriminate and illegal use of impeachment, reflect a certain kind of dysfunction and disorder in the democratic praxis. A Senior Advocate of Nigeria and also constitutional lawyer, Robert Clarke agreed that the incessant resort to impeachment in the current democratic dispensation foul the system and create confusion. He further stated that:

> Let's get it clear, Impeachment is the only sane method for removing the constituted governor or speaker. Impeachment is the same as yesterday, the problem in Nigeria is that we have not given it that soberness to regard it as one of the saneness method in removing a governor, for instance in America today with the history of almost 200 years of democracy, few impeachments have been done within that period. But you will find that within the period of 16 years, we have done about 5, 6 or 7 impeachments, not to talk of the several impeachments of Speakers but we are only talking now on the governors. When you look at the number of Speakers that have been impeached, go to about 40 or 50. The sanity attached to such impeachment is not been attached to it for Governors in Nigeria. Until we depoliticise our system of governance and create a serious attitude

> when we are taking advantage of the clause in the constitution, because it is a very sacred act to impeach a governor; it is not 2 or 3 people will just sit down and say we want to impeach a governor. I think it is the only sane method of removing one, there is no wrong with it. The way we put it into use is what creates all these confusions. (Interview with Robert Clarke, SAN, a constitutional lawyer and legal luminary, in Lagos, on 21/05/2017).

The impeachment crisis and the complicity of the federal government had negative implications for governance, and service delivery and ultimately the quality of life of the electorate, who bestowed the mandate on the governors (Offor, Eze & Nwanze, 2016). A situation where a few aggrieved elite took it upon themselves to circumvent the democratic process and punish an officeholder because of their narrow and self-seeking interest impact negatively on the quest for good governance and the deepening of the democratic process. The concept of good governance is one that is inexplicably linked to the dividends of democracy which include security and peaceful co-existence as well as a mutual respect of human rights. To achieve this, the harmonious working of the executive and the legislature devoid of undue interference in each other's affairs is needful. As posited by Momodu (2012), in electoral democracies all over the world, the legislature, and the executive are channels through which good governance can be engineered in order to deliver the benefits of the democratic governance to the electorates. Thus, where executive and legislative conflict exists in the form of impeachment, this amongst others, negatively impacts on peaceful co-existence and threatens the security of lives.

In Oyo State, Governor Ladoja's removal had some implications for the misapplication of the state funds due to the impeachment especially diversion of state funds meant for development into needless expenditures. In an interview granted the Human Right Watch, Abraham Adeolu asserted that some officials of the government that illegally took over government after the purported impeachment of governor Ladoja siphoned more than 45million naira from the state treasury without any tangible item to see. In a separate interview with Governor Ladoja, he noted that the same government at the time compelled all Local Government Councils in Oyo State to buy an Ambulance with a whopping cost of 14 million naira instead of 5 million naira per unit cost (Human Right Watch, 2007). He went further to assert that water project he had embarked upon prior to the impeachment was abandoned by the government, thereby denying the people the benefit of having water.

Furthermore, the former Speaker of the Oyo State House of Assembly at a time leading to the impeachment and a respondent to this study corroborated the above that:

> …money meant for development were used on security; and there was a setback on the overall development of the state… the essence of governance is to put smiles on the faces of the people, but when the crisis between Akala and Adedibu on one hand, and Ladoja continued as a result of the impeachment, funds meant for the development of Oyo State were diverted into extravagant security expenditure (Interview with Former Speaker of Oyo State House of Assembly, Rt. Hon Azeez Alarape in Ibadan, on the 23/02/2017).

Mr Hazeem Gbolarumi, the personal assistant to Lamidi Adedibu in his narrative on the actions taken at the time suggested that once the vocal and powerful minority felt aggrieved, then the object of their grievance had to be replaced regardless of the consequences. In his own words:

> Ladoja's attitude irked not only Adedibu, but also other notable PDP leaders in Oyo State that time. They tried to call Ladoja to order but he snubbed all entreaties by these eminent party leaders including Chief Richard Akinjide, Alhaji Yekini Adeojo, and a former governor of the state, late Chief Kolapo Ishola. Even when the party summoned Ladoja to appear before a panel to defend himself against these allegations, he failed to appear before the panel. I remember many of these eminent party leaders expressing shock that they did not know that Ladoja could change like that after being elected governor. They were all disappointed. It was at that point that a decision was taken that Ladoja should be impeached. That he cannot be greater than the political party on which platform he got elected into office. So, the decision to impeach Ladoja was a collective one. The order to sack or impeach Ladoja was given by PDP leaders, after a meeting was held to discuss the issue. Adedibu was only saddled with the task of enforcing Ladoja's impeachment. It was not just his own making. A lot of Nigerians who do not know the root of the whole matter had been very unfair to Baba Adedibu. Adedibu, just like my humble self, only carried out party's orders… (The Nation Newspaper, 14 may 2017).

The former governor admitted that his impeachment had consequences not just for his party at the time but for the country as a whole:

> Of course yes! Not only for Oyo State or PDP, if a whole president say "two third my foot", it means the constitution to which he has sworn to uphold means nothing to him. Constitution is important in democracy, if you do not allow the constitution to operate, then

> democracy cannot effectively work. The only thing they believe that the case was going to take long, that is why constitutional matters should be resolved early….I will say the whole process led to the downfall of PDP in the whole of South West, because people were worried that the same party that is causing trouble in Oyo State, was also causing trouble in Ekiti State. If you look at it nearly everybody that they impeached were PDP, except Obi and that of Obi was simple, his deputy was not implicated or part of the plan (Interview with Former Governor Rashidi Ladoja, in Ibadan, on 20/05/2017).

A Guardian Newspaper Correspondent reporting on the happenings in Ibadan, Oyo State as at the time of the impeachment of governor Ladoja, Iyabo Lawal a journalist revealed that:

> Ibadan, Oyo State was literally seized by the throat yesterday by suspected hoodlums loyal to a godfather… two people were killed in the reign of terror unleashed by the hoodlums, who also dealt machete cuts on several persons Lam Adisana's property was also touched by the hoodlums in Popo Yemoja (Iyabo Lawal, Guardian Newspaper, 2007).

Another journalist Mr Ola Ajayi who covered the event for Vanguard Newspaper, and also a respondent to this study who witnessed to the security breaches in Oyo State during the impeachment of governor Ladoja also attested to the fact that there was serious security implication on the people of Oyo State. He started that:

> As we went on assignment to cover the event in the house of assembly, we were about 100 metres away to the complex, when we heard sporadic gun shots. The 14 lawmakers loyal to Pa Adedibu had come to take over the assembly only for them to realise that Lodaja had positioned some boys in one uncompleted building they started shooting. People started running… I could remember very well, I saw a lady, one of the thugs and a supporter of Adedibu, with a cutlass, she wanted to strike me but some of the thugs told her not to do. "This one is a journalist", the edge of the cutlass was dripping blood, I believed she must have used it to cut someone…as we came to the road, we saw many people being matcheted and beaten…It was a serious case, you will think that coup had taken place. The roads were disserted the police could not do anything as the thugs were reigning terror on people, they just used tear gas to scare the thugs. A particular man, by name Elewomo was caught with guns and cutlasses in the booth of his car he was arrested by the police, as the officer in charge put a call across to the then police commissioner, he replied, "please! Do not do anything to him! Do not kill him! Do not beat him!" The commissioner was just giving orders. He was however,

> released before the end of the day (An Interview with Ola Ajayi - Senior Vanguard Correspondent, in Ibadan, on 15th May 2017).

Alluding to the above, Kingsley, Ola and Chris, (all Vanguard Newspaper reporters) on the crisis that engulfed Ibadan, the Oyo State capital on the heels of the expected reinstatement of governor Ladoja from the court ruling, stated that:

> …suspected thugs took over some major roads in Ibadan yesterday, attacking innocent citizens in the aftermath of the annulment of the impeachment of Alhaji Ladoja. …the skirmishes were pronounced in Iyana-Church, Iwo Road, Apata Ganga, where two men were reportedly killed. On the Apata victims was said to have drawn the ire of the hoodlums who used dangerous weapons of different descriptions on him after he was ordered out from his car on the excuse that they wanted to use it. He however refused to release the car key. His refusal infuriated the hoodlums who inflicted several machete cuts on him. He was said to have died in the hospital. A policeman was also hit by bullet and a blue bus with number plate Oyo XA 164 RSD was seen riddled with bullets (Kingsley, Ola & Chris, Vanguard Newspaper, Tuesday, 7, 2007).

In an interview with the researcher, a former Speaker of the Oyo State House of Assembly recollected the fallout from the impeachment and the fierce and tense environment that characterized the period.

> Virtually all the facets of life were affected before, during and after the impeachment of Senator Rashidi Adewolu Ladoja. The security nature of the State was nothing to write home about. People were subjected to all forms of intimidation, harassment and embarrassment, and I can rightly tell you that before and after the impeachment was carried out many people were killed and I have the documentary evident to back it up. We have a CD that was made by some of our people to record all the killings, how people were maimed and lynched by the faction of Adedibu with the support of the police; you will even see the policemen shooting the innocent citizens in the state. We have evidence to show for it. As for the security of the people, they were not protected at that time. Many people were killed, lynched and many people missing till date. Many people were kidnapped and they could not find them till today (Interview with Rt. Hon. Adeolu Abraham Adeleke, former speaker of the Oyo State House of Assembly, in Ibadan, on 08/12/2016).

The use of impeachment as a purely constitutional instrument to check the excesses of the head of the executive inadvertently foster disunity and disrupt the delicate ethno-religious balance in

ethnically divided and religiously charged environment like Plateau State. Dariye was accused of favouring Christians in handling state affairs. This accusation dated back to his first tenure between 1999 and 2003 as a governor Sufuyan, (2006). This fact was attested to by a respondent and former Punch Newspaper Correspondent in Jos who stated that:

> The impeachment was also given a religious coloration, at that time Plateau became divided, Christians and Muslims lived in different areas. This was part of the result and consequence of people who masterminded the impeachment… nobody was in charge of security. The governor who ought to be the Chief Security Officer of the state was impeached and so security was no longer in his hand. Everything was in disarray, today you will hear crisis here, and then crisis there, killings here and killings there, Plateau became very unsafe. In fact by 6pm you will hardly see anybody on the road and by 5pm all market are closed and people started living in fears and the economy of the State grounded and service delivery together with the welfare of the State were seriously affected. Though they managed to pay salary, but paying salary is different from security and everything was affected, such as those on transit. People coming from the East taking goods to Maiduguri or far North, Jos used to be a transit where they will stop and continue, but during that time, they were no longer stopping. Because those buses that take traders here to Maiduguri could no longer pass… (An interview with Jude Owuamanam, former Punch Newspaper correspondent, in Jos, on 15/03/2017).

To buttress further on the violence that greeted the impeachment of Governor Dariye in Plateau State, another correspondent who monitored the event in the state resulting in the impeachment reported that on October, 13, 2006, police officers who escorted the 8 lawmakers of the Plateau State House of Assembly from Abuja to the assembly complex in Jos, to kick start the impeachment process, shot dead two persons, one of the victims was identified as Sale Habila. They were part of the huge crowd of protesters against the impeachment. They blocked the road which the police were to pass through with the lawmakers back to Abuja, thus they fired shots indiscriminately to scare the crowd only for the bullets to hit the two persons that died. Angered with these developments, the protesters stormed the house of Alhaji Ibrahim Nasiru Mantu, the then Senate Deputy President, burnt his house with 7 cars within the premises alleging that he was the brain behind the police action Oyibo, (2006).

Another respondent and the Publicity Secretary of the Plateau Chapter of the Peoples' Democratic Party in a separate interview corroborated the view about the climate of insecurity that enveloped Plateau state at the time. Although he argued that the implications were not totally negative as it demonstrated the fact that an elected official can be removed from office when he/ she erred. He contended that:

> In fact at the period, the governance was dead. There was no governance and people were at the receiving end. Salaries were stopped completely and there was nothing moving in the State. The Government workers would go to the work and nobody to supervise them. So there were more corruption and the common people were at the receiving end. That was a greatest disappointment....It brought in serious fight and conflict among the tribes, like it is because of my person he was impeached, therefore, we would not support. Also, there was killing recorded… the Governor himself beat up the security operative who came to arrest some of the corrupt people by this present EFCC chairman. Magu working as director of Operation and he came to arrest the younger brother of the Governor at that time. The Governor came and they beat up Magu. In the process of impeachment, there is need to make sure one has the majority and make sure that such impeachment go in line with the populace… Yet the impeachment has positive advantage, to show any person elected that the power belongs to the people, and if the person do not do the right thing the person can be impeached. (Interview with PDP Publicity Secretary, Hon John Akaans, in Jos, on 17/03/2017).

Corroborating the above, Osita, et al, (2006) the former spokesperson of the Economic and Financial Crimes Commission (EFCC), writing in the magazine of the commission stated that Dariye alongside with his supporters assaulted Mr Onwuegbu and Illiyasu (all operatives of the commission) when the duo were in Plateau State to arrest Miss Christabel Bentu a suspected accomplice of the state treasury looting with governor Dariye; and the younger brother of Dariye who at the time was a local government chairman in Plateau State. They went beyond the expected to disarm the operatives and abducted them. Daily Sun Newspaper report of June 3rd, 2007 revealed also that Plateau State workers went on strike because of non- payment of salary occasioned by the impeachment politics. The paper reported further that Micheal Botmang who took over from governor Dariye upon his impeachment could not pay workers as when due despite the fact that he secured some loans for that purpose.

In Bayelsa State the political scenario was not any better as the impeachment polarized the state and heightened the state of insecurity. This assertion can be buttressed with the submission of Ochereome, (2006) creating a linkage between Governor Alamieyeseigha's impeachment and detention with the heightened activities of militants in the region. He averred that the request for the release of detained governor Alamieyeseigha was part of the four demands made by the Movement for the Emancipation of the Niger Delta (MEND) before the release of the four expatriates in their custody, kidnapped in the region can be secured. Although, one of the respondents and former member of the Bayelsa State House of Assembly who at the time, was the mover of the impeachment motion against governor Alamieyeseigha observed that, the impeachment simultaneously instilled sanity in governance in the state:

> First of all, there were divisions in the State because the supporters of Alamieyeseigha were angered. Then in Bayelsa State the ethnic inclination mattered a lot. And those people from that extraction were also unhappy that their son had been impeached. Furthermore, the political gladiators in the State too were divided, because some of them were pro-Alamieyeseigha, some of them were anti-Alamieyeseigha. Therefore, since the centre could not hold anarchy was loosed upon the State. Now, the youths formed themselves into different militant groups and they were lynching men in the society. During that period, there was no stability in the State. To be candid it is also a process of sanitization, so that the excesses of the incumbent could be checked. And whoever that is coming in should know that there are guidelines to be followed. No more government of impunity, because Alamieyeseigha's government was a government of impunity. He did whatever he liked; sometimes he would even challenge the gods that be and say "who dey" "Owei" emigha?" Meaning, is there any man? And that is the governor-general of the Izon nation challenging the gods, both spiritual and physical. So as a matter of fact, there were a lot of disunity in the State, but time has been a healer of wounds. But initially, it was so obvious, different groups, some were angry and we were not also happy, then the whole State was in scatter sparkles. It took time to reassemble the State for the people to go on. Therefore, impeachment has a lot of negative effects on the State. It also has positive effects…Definitely there were killings during that period. I may not give you any particular instance...In short; there was instability in the State. It did not guarantee security, but then for any good thing to come there must be some sacrifice that would be made. So for any good thing to come there must be some challenges, and those challenges could be in form

> of insecurity (Interview with Chief (Hon.) Augustus Elliot Osomu, in Yenagoa, on 10/01/2017).

The impeachment saga across the states also brought to the fore the abuse of the centralized security formations or agencies by the central government. Ironically gubernatorial heads are recognised as chief security officers of their states, yet they do not control the security apparatus in their domain. It could be argued that the EFCC or the federal government's induced impeachments against alleged corrupt governors was a positive political victory for the governed, the facts on the ground as alluded to by several respondents and key players in this study revealed that federal security forces were only used to pursue political selfish interests. Moreover, these actions by the federal government violated fundamental principles of federalism and its time-honoured fidelity and respect for autonomy of the federating units and the supremacy of the constitution (Offor, Eze, & Nwaeze, 2016; Alade, 2013). It is along these lines that Barrister Esueme Dan Kikile, the then Publicity Secretary of the PDP in Bayelsa State at the time responded to the question of the implications of an impeachment orchestrated by the central government. According to him:

> It was loud and clear that we were not a democracy because beyond the fact that people went to vote, beyond the fact that there were political parties, there was a dictatorship at the centre that was breathing down on subordinate units of the federation. So, one of the implications, it showed clearly that there was not a democracy then. We were only having civilian government on the basis of election. The second implication was the fact that our so-called federalism was called into serious question, because the governors did not have any authority in their states. No authority over any of the security agencies, security forces who were in their states, so a commissioner of police, even though the governors were said to be chief security officers, the commissioner of police were taking instructions from his superiors, the Inspector-General of Police, the military commanders were taking instructions from outside. Federalism, as far as I am concerned was not practiced. We were a unitary government, a unitary state, and nothing has changed till this moment. We still have an overbearing central government on the various states. The third implication for Bayelsa as a state was the truncating of development. I will give you an example, the Bayelsa State Yenagoa city capital master plan had only just been approved sometime in 2003 or thereabout and this plan was to be implemented over a fifteen year period in three phases. The man who was to start that process, due to

> the impeachment political upheaval, that process was stalled and it has been stalled till this moment. So our development has been haphazard and we can see how even the state capital has developed like a huge slum. It affected the development of the state (Interview with Esueme Dan Kikile, former publicity secretary of the PDP, Bayelsa State Chapter, in Yenagoa, on 05/01/2017).

He further reiterated that:

> The Political environment in Bayelsa state changed from that impeachment, and till today, we are yet to recover fully from it because people are still camped in those various interests. Even though the main protagonists may not be the key players, but at every turn in the political process in Bayelsa State, those issues form the underlining basis for alignment and realignment. So it has affected our politics in this state. It has also affected the relationship between the various political tendencies. But more importantly, Alamieyeseigha's impeachment would be one of the reasons that insecurity continues to persist, not only in Bayelsa state, but in the entire Niger Delta region. If you remember, most of the governors who were Alamieyeseigha's contemporaries then, were also marked out and were harassed by the central government. And this threw up a lot of activists' sentiments that grew so much in the region, which then metamorphosed into various regional groupings that got us into the first major resistant group that was recognized as Movement for Emancipation of the Niger Delta MEND. And we all saw that process, but for the amnesty programme of late president Yar'adua in 2009, would have crippled the economy of this country, which is still persisting till this moment. So I can say without reservation that that impeachment created the platform for the rise of this resistant that is still troubling our country as a whole and the region in particular. For me, the implications of the impeachment, yes, while there are beneficiaries, the wider implications of development, security and so on, outweigh the individual benefits that accrue from that process (Interview with Esueme Dan Kikile, former publicity secretary of the PDP, Bayelsa State Chapter, in Yenagoa, on 05/01/2017).

A former member of the House of Assembly, who served during this period of turbulence in Bayelsa's political history, Hon. Ofoni Williams pointed out the discontinuity in governance and the sustained victimization of certain persons as some of the after effects of Alamieyeseigha's impeachment. In his views, the impeachment process robbed the state as it prevented successive

administration from building on the gains of other administrations in the state. Citing Lagos and Rivers States as examples, he averred that:

> The after effect of impeachment in most cases, when it is not democratically executed has a great effect on the governance of that state. One, there will be discontinuity of policies. That means you have dislodged the policies and programmes that the government of the day was executing because the governor happens to be the leader of that government. And when it is dislodged, somebody has to come in and in most cases the zeal and the commitment of the impeached leader and the person who is coming to take over will definitely not be on the same platform. Therefore, there is the tendency for the development of that state to be slowed down. I can categorically tell you right now that if Alamieyeseigha had been allowed to successfully complete his tenure, the first five hundred bed hospital that was hosted on the soil of Bayelsa State, Yenagoa, would have been completed (Interview with Ofoni Williams, former member of the Bayelsa State House of Assembly, in Yenagoa, on 06/01/2017).

Speaking further on the discontinuity in governance, he argued that:

> …today, as I speak the hospital is moribund. States that came after that saw what D.S.P was doing in Bayelsa State and decided to key in, like Delta State, their five hundred bed hospital has been functional for years now. The former governor of Rivers state, Amaechi also built a five hundred bed hospital thereafter. Fashola also did that in Lagos state, but the pioneer five hundred bed hospital in Bayelsa State is not yet functional. Why? Because, of the after effect of impeachment. The man who drove the vision is no longer on the driver's seat. And as I speak to you, you can go and confirm at Imgbi road, the hospital is moribund and it is a colossal loss to the state. Apart from that, there were still acrimonies lingering on. The absence of war does not justify peace and war is still going on based on that impeachment even after the death of D.S.P Alamieyeseigha. So, it is going to take a lot of time for these wounds to be healed and for this state to move forward. Even as we speak, there is a political divide based on that impeachment. So persons who never participated in that impeachment but were Assembly members are being victimized till date. Some persons who sought to go back for a second tenure were denied. They were even denied party tickets and they were also denied victory even when they go to other parties and win elections. Some persons who want to go to the House of Representatives were dropped even after winning primaries. Some persons who bought and submitted nomination forms, their forms were nowhere to be found on days of screening. All these activities are on-going. The

> balkanization, victimization and the denial is still going on till date (Ibid).

Simbine (2007) observes the purported impeachment of a former governor and the resultant political tension and crisis affected the performance of the state's legislature. In her words "the situation did not promote the independence of the legislature through which a serving state governor can be removed from office… whatever good this arm of the government had achieved had been rubbished by its role in the political crisis" (Simbine, 2007:59). It is partly as a result of the ignoble contribution of the legislature in the impeachment crisis at the state level and the frequent threats of the use of impeachment at the national level that the legislature continues to suffer an image problem in the fourth republic. The legislature is the most important link between the government and the people, as it is responsible for the articulation and addressing the grievances of the people. It is the only institution where representatives are elected to discuss the needs of citizens, forge national policies and resolve whatever conflict that arises within society through dialogue and compromise. In light of these duties, the question remains as to how effective the legislature has been in the discharge of its responsibilities to the state and citizenry.

Another implication of the plethora of impeachment cases that engulfed the country during that period is the point that they constitute an ominous threat to democratic survival. It will be recalled that the mismanagement of political differences between what was essentially members of the same political party (the Action Group) in the First Republic generated the violence that ensued after the 1965 disputed elections. The violence precipitated the military coup of January 15th 1966 which terminated democratic rule and eventually culminated in the country's civil war. Similar soured political relationships in 1983 shortened the Second Republic leading to the intervention of the military in December of the same year. Nigeria has enjoyed her longest spell of democratic rule so far. The alternation of political power between an incumbent party and the opposition party at the national level in the 2015 general election signals an entrenchment of democratic rule. However this positive development has not obliterated the threats and pathologies of Nigerian democracy especially as it relates to the executive-legislative relationship (Momodu, 2012).

Furthermore, one of the consequences of the impeachment cases in the three states under study is the concretization and consolidation of judicial reviews of impeachments cases in Nigeria. The decisions of the Apex Courts in the three cases favour a judicial review of impeachment despite the directive of Section 188 (10) of the 1999 Constitution which redirected the country from a regime of legislative superiority in impeachment exercises to one subject to judicial guidance. The foregoing decisions portends well for democracy. It empowers the judiciary and allows it to curtail possible excesses that may arise in the exercise of impeachment by the legislators, notwithstanding the ouster clause in Section 188 (10). This further buttresses the place of the separation of powers in the Nigerian jurisprudence as well as the checks and balances. Nonetheless, it is laudable that the judiciary rose to the occasion of defending the Constitution with regard to the impeachment of governors. Although, this is a step in the right direction, it still leaves much to be desired.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Summary

Chapter one introduced the study by problematizing gubernatorial impeachments and the conflicts they generate and the implications of impeachment in selected states for democracy, peace and security in Nigeria. Given that extant studies on the role of the legislature in Nigeria's democracy have focused attention almost exclusively on executive-legislative relations and the significance of the legislature in the presidential system, this present study discusses the threat to peace and public safety occasioned by the impeachment of governors, patterns the implementation of impeachment took, and the varying outcomes of the process. This study is carried out with a view to deepening of the understanding of the role of the legislature in a democracy especially as it relates to the theory and practice of impeachment. The chapter also traces the trajectory of some gubernatorial impeachment since 1999, noting that in advanced democracies, impeachment is a political tool that is hardly enforced, because public officers have imbibed the ethics of their office and the cost of the breach of the code of conduct is often too high a price to bear. In the Nigerian case, however, the broad and open-ended interpretation of the phrase "gross misconduct" in the constitution and the point that the impeachment of political officeholders is often driven more by selfish interests than an adherence to constitutional stipulations and promotion of good governance has led to the frequent use of this corrective constitutional instrument.

Chapter two focuses on the extant body of literature on impeachment research and challenges of consolidating democratic politics in new democracies like Nigeria. This chapter is basically divided into two parts, theoretical framework and literature review. The chapter interrogates the literature and discourse of impeachment under six thematic schemes covering, the place and functions of legislature in a democracy, separation of powers, executive-legislative relations, the processes and politics of impeachments in Nigeria. The theoretical underpinning of the study is erected around elite theory but its subset of elite fragmentation is adopted as the theoretical sign post. Specifically, in discussing impeachment; both elite and patronage theories were used. Under literature review, forms of democracy were discussed in relation with the practice of

democracy in Nigeria; in addition the constitutional roles of each arm of government are highlighted.

Chapter three is dedicated to the methodology adopted for the study. It describes the research methods and procedures that were employed to obtain the relevant data and how the data gathered were processed. It covers the research design and approach; sampling technique; target population; research instruments; sources of data and methods of data processing and analysis.
The research area was purposively restricted to the three states where the governors were impeached from office in the current democratic dispensation, covering three of the six geo-political zones of the country. Three impeachment cases that occurred in Bayelsa, Oyo and Plateau States were thus selected. Governor DSP Alamieyeseigha of Bayelsa State was the first to be impeached. Oyo State was selected because Ladoja's impeachment was the first to be upturned by the judiciary, while Plateau State was included in order to achieve a geographical spread in the sampled cases.

Chapter four is the major concentration of the study. Here research questions and respondents views were subjected to rigorous analysis with a view to depicting the extent to which the findings have answered the research questions posed and the stated objectives in chapter one. In this chapter, both analysis and discussion of findings were presented, four research objectives were analysed one after the other, namely: analysis of whether the impeachment of governors in the three selected states complied with the 1999 constitution; the processes and patterns of impeachments in the three selected states; the legal and non-legal approaches in the management of these impeachments; and the implications of these impeachments for democracy, peace and security. After this, facts about the examined impeachments in the Oyo, Plateau and Bayelsa states were analysed and findings from each case were indicated. The chapter concluded with the analysis and discussion on the implications of impeachments for democracy, peace and security in Nigeria.

Chapter five concludes the study. It contains three sections, summary, conclusion and recommendations. The summary gives a general overview of the work chapter by chapter and

contains the contribution to knowledge. This is followed by conclusion based on the findings of the study the final part makes recommendations for further studies.

5.2 Conclusion

Impeachment is a democratic instrument inserted in the constitution to check the abuse of power. In the selected states under study, the context under which the decision to impeach governors were taken was not in the pursuit of the public good neither did the legislature follow the prescribed procedure in its execution. Internal party disagreements, personality clashes and grievances over failure to fulfil essentially narrow political and financial interests' motivated and propelled the impeachments. This led to stagnation in governance and service delivery and ultimately the citizens were worse off because of unrestrained used of the instrument of impeachment. The unconstitutional impeachment of Diepreye Solomon Peter Alamieyeseigha of Bayelsa State, Joshua Chibi Dariye of Plateau State and Rashidi Adewolu Ladoja of Oyo State undermined democracy, peace and security in Nigeria. Furthermore, the unconstitutional and illegal instrument of impeachment mechanism should be avoided to rancour free process and that will enhance democratic consolidation, peace and stability in states and Nigeria in general.

5.3 Recommendations

Arising from the foregoing discussion of findings and conclusion, the study makes the following recommendations:

1. There should be strict adherence of the constitutional provisions and less interference in carrying out impeachment in Nigeria. Also, in exercising the provision of impeachment, the legislature should be insulated from external influences and ensure that the procedure and processes in the extant laws are adhere to. This would go a long way to ensure that grounds for impeachment in future are inspired by motivation to promote public good and interests. Furthermore, the section 188 subsection 11 of the 1999 Constitution of the Federal Republic of Nigeria as amended should be reviewed to expressly incorporate the definition as to what amounts to gross misconduct as being defined by Justice Nicki Tobi

in the case of Inakoju & 17 others versus Adeleke & 3 others as contained in the Nigeria Weekly Law Report, Part 1025, 2007.

2. Patron-cliental interests as represented by the activities of godfathers and moneybags who perceive politics and public office as business ventures where they can invest and expect to reap returns should be discouraged. The dominance of this mode of political thought in Nigerian politics is responsible, to a large extent, for the kind of violence witnessed in the conduct of elections since the return to civil rule, the godfather versus godson conflicts and the mind boggling corruption that has characterized governance which also reflects on impeachment conducts. To achieve this objective will require multi-pronged approach of enacting or reviving appropriate legislation against corruption, civil society involvement in ensuring vigilance in the polity and massive enlightenments of the populace who make unnecessary material demands from elected public officials.

3. Politicians and governing elite should imbibe the culture of tolerance and allow the wheels of democratic process to run their course instead of deploying illegal means to achieve pre-determined objectives. The presidential system of government and separation of powers is inherently conflictual; however, the quest for peace, security and good governance in Nigeria demands that the executive and legislature must as a matter of necessity and public good work together in a harmonious and collaborative manner to fashion and engineer public policies and their implementation for national development. This has become a categorical imperative especially in the light of huge governance deficit and monumental development challenges and social problems bedevilling the country. The executive and legislature should deem it necessary to always adopt dialogue in resolving their differences instead of resulting to outright confrontation that usually deadlocks the policy making and implementation process and threatens the entire democratic edifice.

4. The Legislative institution should be vigilant and accountable on issues of impeachment in order to reduce its negative effects on society. Accountability is the very hallmark of a stable democracy. Hence the legislature should be held accountable to their primary political constituency. The presence of immunity clause in the constitution has been

grossly abused by elected governors and has contributed to the lack of accountability and brazen corruption witnessed in the polity. If the immunity clause which shield governors from criminal trial while in office as it presently exists in section 308 in the 1999 constitution is removed, it will go a long way in deepening the quest for accountability in governance. Therefore the research strongly supports the debate about the removal of immunity clause from Nigeria's constitution.

5. All democratic institutions of government should be strengthened, most especially, the legislature. Legislative autonomy is needed to strengthen the institution; this is a necessity for democratic consolidation. There is need to strengthen the legislature as a critical arm of the tripod in order for it to serve its roles effectively in the promotion of peace and good governance. It is regrettable that state legislatures are often completely emasculated by state governors who, on several occasions, are very overbearing in the way they conduct the affairs of their various states. It was even evident from the study as it reveals the overbearing influence from the Presidency and it institutions of state on the state legislators during the impeachments of the governors on the sampled cases. The legislatures can contribute effectively to peace and good governance through the exercise of the instrumentality of its oversight functions only when their institutional autonomy is respected and guaranteed. Though recently, a bill to this effect has been passed and signed into law by the President of the Federal Republic of Nigeria, what is needed now is the full implementation of the financial autonomy of the legislature.

5.4 Contribution to Knowledge

This study contributed to the deepening of the understanding of the role of the legislature in a democracy especially as it relates to the theory and practice of impeachment. The study sheds light on intrigues that inspired, fuelled and propelled execution of impeachment in the three states under study. Personality issues manifesting as elite fragmentation are the main drivers of impeachment conflicts. These have no bearing on delivery of public goods through good governance issues. The study depicted bastardization of impeachment provisions, which are

inserted in the constitution for the purpose of improving governance performance of the executive arms of government. What was intended to ensure efficiency of the executive became instrument of mass distraction which to a large extent diverted the attention of the elected representatives from governing business to conflict management process.

The study also contributed in shedding academic light into the performance of the legislature at the state level. The study reveals that the legislature is the weakest among the three arms of government; this is because in all cases of impeachment, the initiatives to commence impeachment proceedings were instigated from the presidency. Also, the inability of the state assemblies concerned to self-organize the impeachment process gives a clear indication of their poor performance. Their weakness manifested in two major ways; firstly, the initiative to commence impeachment was set in motion by political forces outside of all the states' case-studied; secondly, only in the case of Bayelsa impeachment saga, where the removal of the governor was justifiable based on some of the evidence. Even at that, in the management of the impeachment through the judiciary, the Appeal Court in a majority decision held that there are some element of non-compliance with the constitutional provisions of 1999 in the processes adopted by stakeholders in the impeachment, therefore the matter should be retried by the a trial court in Bayelsa State and should be reassigned to another Judge (NWLR, Part 1036). In both Oyo and Plateau states the impeachments did not have justifiable grounds. The salient contribution of this study to knowledge is the revelation that the grounds for impeachments studied were based on personal vendetta and political victimization. This finding supports the extant literature which has alluded to the fact that Nigeria's lopsided federalism is the major challenge to democratic consolidation in Nigeria. The fall of the First Republic is directly traceable to the interference of the then Federal Government in the affairs of the Government of the Western Region. Nigeria as a federation has a large cast of politicians at the sub-national level whose role could negatively or positively shape the country's future. The study also adds to the body of literature on the intricate and complex constitutional relationship that governs the operations of the separation of powers in a transitional democracy like Nigeria.

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APPENDIX I

Institute for Peace and Strategic Studies
University of Ibadan

Interview Guide

Research Title: Gubernatorial Impeachment and its Implications for Democracy, Peace and Security in Bayelsa, Plateau and Oyo States, Nigeria

Principal Investigator: Mr. Alalibo Sinikiem JOHNSON
Estimated Interview Time: 1hour

Dear Participants,

I am a postgraduate student from the Institute for Peace and Strategic Studies, University of Ibadan. I am conducting a research with the above title and have identified you as a key respondent with the requisite knowledge of the events as they relate to impeachment crisis in Bayelsa, Plateau and Oyo States, Nigeria. I want to assure you that this interview is strictly an academic exercise and will not be used for any other purpose. I also request that you kindly permit me to record the interview which shall be transcribe into words and also to have a photograph with you to proof that I actually interviewed you.

Thank you for agreeing to share your thoughts and experience on this phenomenon.

MAIN QUESTIONS	FOLLOW UP QUESTIONS
Did the impeachment of the governor comply with the provisions of the 1999 constitution?	□ Can you take me through the impeachment saga in your state? □ Who were the principal drivers of the impeachment process □ What in your opinion are the reasons/factors that precipitated the impeachment proceedings? □ Were these factors politically motivated or based on genuine acts of gross misconduct? □ Did the implementation follow the due process as stipulated in the constitution?
What were the processes, patterns and dynamics that accompanied the implementation of the impeachment in the state(s) ?	□ Can you tell me specifically how the impeachment process started? □ What is your assessment of the role the legislature played in this process? □ What role did the law enforcement agencies such as the police play in the impeachment? □ How did the impeachment process end?
What were the legal and unconventional approaches to the management of the impeachment in the state(s)?	□ How will you describe the approaches used in carrying out the impeachment? □ Was force (unconventional approaches) ever used to ensure the governor leaves office? □ Probe for other non-legal approaches used in the management of the impeachment.
What are the implications of the resort to impeachment for democracy, peace, and security?	□ Probe for implications in relation to: Governance and service delivery Citizens Welfare Democratic Sustenance Peace and Security

APPENDIX II

List of Interviewees

S/N	Name	State	Designation	Place of Interview	Date of Interview
1	Chief Hon. Elliot Augustus Osomo	Bayelsa	Former Member BYHA	Imiringi	10/01/2017
2	Hon. Dein Benadoumene	Bayelsa	Former Member	Amarata Yenagoa	05/01/2017
3	Professor Steve Azaiki	Bayelsa	Former Secretary to the Bayelsa State Govt.	Ekeki Yenagoa	06/01/2017
4	Barr. Esueme Dan Kikile	Bayelsa	Former Publicity Secretary, PDP	Office, Opolo Yenagoa	05/01/2017
5	Chief Hon. Bright D. Ereware	Bayelsa	Former Member / Deputy Speaker of Yenagoa BYHA	Okaka	10/01/2017
6	Hon. Ofoni D. Williams	Bayelsa	Former Member of BYHA	Ekeki Yenagoa	06/01/2017
7	Chief Hon. Robert. Enogha	Bayelsa	Former Member Of BYHA	Kpansian Yenagoa	27/01/2017
8	Rt. Hon. Boyelayefa Debekeme	Bayelsa	Former Speaker/ Member of BYHA	Azikoro Yenagoa	04/01/2017
9	H E. (Rt. Hon.) Ebebi Peremobowei	Bayelsa	Former Speaker/ Deputy Governor	Kpansian Yenagoa	26/01/2017
10	Chief Ignatius Buseri Samuel	Bayelsa	Serve as Secretary, Investigative Panel	Kpansian Yenagoa	13/01/2017
11	Barr. Collins Boleigha	Bayelsa	A Member of the Investigative Panel	Ovom Yenagoa	17/01/2017
12	Lady Gladys Brisibe	Bayelsa	A Member of the Investigative Panel	Opolo Yenagoa	14/01/2017
13	Barr. Fedude Zimugha	Bayelsa	A Lawyer	Office Yenagoa	04/03/2017
14	Hon. Fredrick Agbedi	Bayelsa	Member House of Representatives/ Former State Chairman, PDP	NASS Abuja	28/03/2017
15	Chief Barr. Serena Dokubo-	Bayelsa	Chairman	Opolo Yenagoa	16/01/2017

	Spiff		Investigative Panel		
16	Ofonime Umannah	Bayelsa	Former Punch Correspondent	Office Portharcourt	17/04/2017
17	Chief Lukman Agboluaji	Oyo	Former Publicity Secretary, PDP	Gate Ibadan	07/12/2016
18	Rt. Hon. Adeolu Abraham Adeleke	Oyo	Former Speaker, Oyo State House of Assembly	Bodija Ibadan	08/12/2017
19	Hon. Olufemi Josiah	Oyo	Former Member, Oyo State House of Assembly	Sango Ibadan	16/02/17
20	Rt. Hon. Azeez Alarape	Oyo	Former Member/ Speaker of Oyo State House of Assembly	Office, Dugbe, Ibadan	23/02/2017
21	Chief Micheal Adegbite	Oyo	Factional Chairman of the PDP, Oyo State Chapter	Iganna Oyo State	28/02/2017
22	His Excellency, Rashidi Adewolu Ladoja	Oyo	Former Governor, Oyo State	Residence, Bodija, Ibadan	20/05/2017
23	Mr. Wole Ojelabi	Oyo	Senior Non Academic Staff, University of Ibadan/ Ibadan Resident	Residence, Ibadan	24/05/2017
24	Mr. Ola Ajayi	Oyo	Senior Vanguard Correspondence/ Chairman, Oyo State Chapter of All Correspondent Guild of Nigeria.	Office Dugbe Ibadan	15/05/2017
25	Mr. Taiwo Mustapher	Oyo	An Observer/ Civil Servant, Oyo State Ministry of Justice	Office, Agodi, Ibadan	15/05/2017
26	Hon. Victor Lapang	Plateau	Former Member, Plateau State House of Assembly.	Office, Jos	13/03/2017
27	Mr. Jude Onwuamanam	Plateau	Former Punch Correspondent	NUJ Secretariat, Jos	15/03/2017
28	Brig. Gen. (Rtd) Samuel Athu Abok	Plateau	Former Member of the Seven-man	Office, Rayfield, Jos	21/03/2017

			investigative Panel		
29	Barr. Charles Obishai (SAN)	Plateau	Member of the Seven-man investigative Panel	Residence, Tundu Wada. Jos	22/03/2017
30	Hon. John Akaans	Plateau	Peoples Democratic Party Publicity Secretary, Plateau State Chapter.	Rayfield, Jos	17/03/03/2017
31	Hon. Raymond Dabo	Plateau	Former Member, House of Representatives, NASS/ PDP Party Chieftain	Peoples Club, British-America, Jos	18/03/2017
32	Rt. Hon. Malam Micheal Dapianlong	Plateau	Former Member/ Speaker of the Plateau State House of Assembly.	Nana Guest House, Tundu Wada, Jos	20/03/2017
33	Rev. Dr, Musa Gotom	Plateau	Former Member of the Seven-man Investigative Panel	Rayfield, Jos	17/03/2017
34	Rt. Hon Peter John Azi	Plateau	Former Member/ Present Speaker of the Plateau State House of Assembly	Office, PLSHA, Complex, Jos	14/03/2017
35	Sheikh Abdulaziz Yusuf	Plateau	Former Member of the Seven-man Investigative Panel	Mosque, Jos North, Jos	16/03/2017
36	Barr. Robert Clarke (SAN)		A Constitutional Lawyer/Legal Luminary	Office, Victoria Island, Lagos	21/05/2017

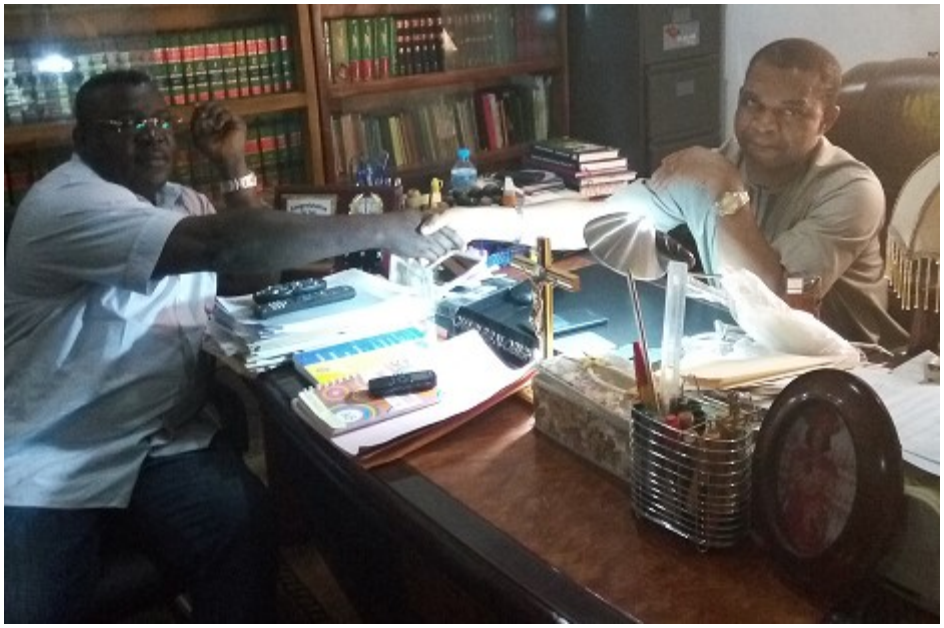

Plate 1: Researcher with a former member of the 7-man panel that investigated the allegation of the impeachment of Governor Dariye, (Barr. Charles Obishai SAN) in Jos, on the 22/03/2017.

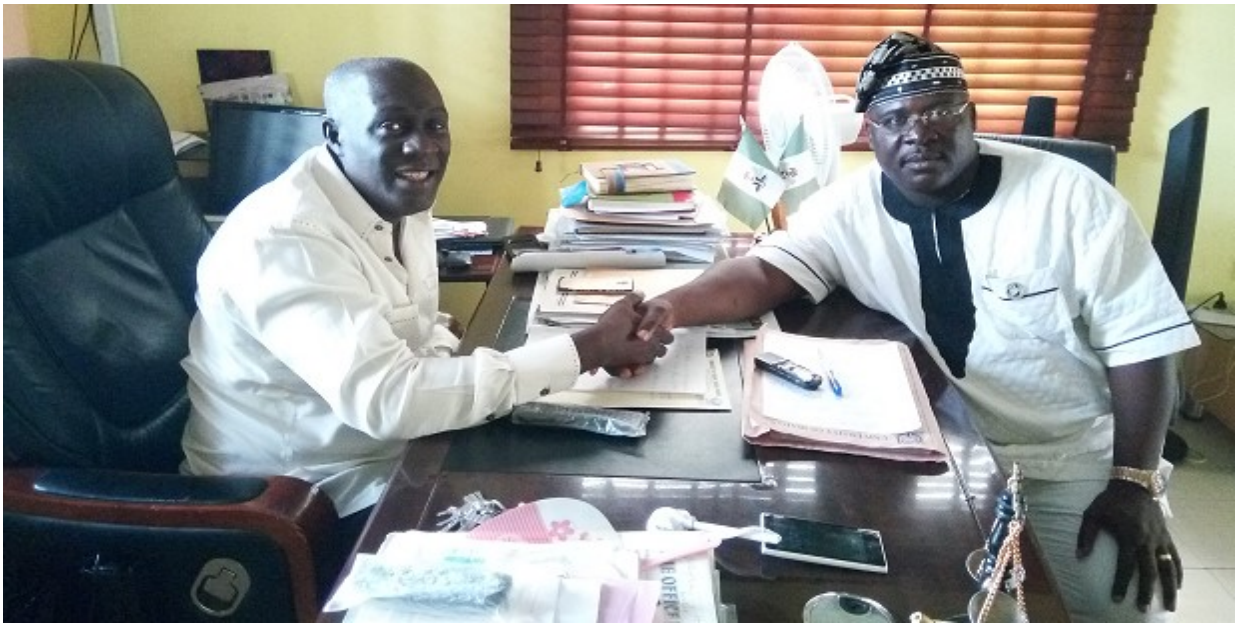

Plate 2: Researcher with a former Chairman of the Nigerian Bar Association of Bayelsa Chapter and a former member of the 7-man panel that investigated the allegation of the impeachment of Governor DSP Alamieyeseigha, (Barr. Collins Boleigha) in Yenagoa, on the 17/01/2017.

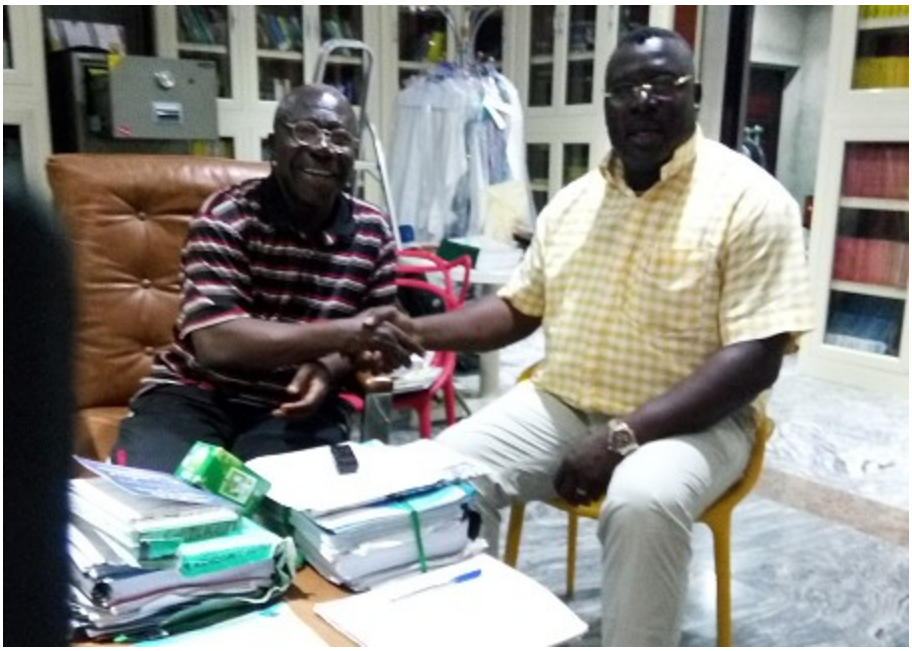

Plate 3: Researcher with a former commissioner and one of the lawyers that was involved in the litigation matter of the impeachment of Governor DSP Alamieyeseigha, (Barr. Fedoze Zimogha) in Yenagoa, on the 04/03/2017

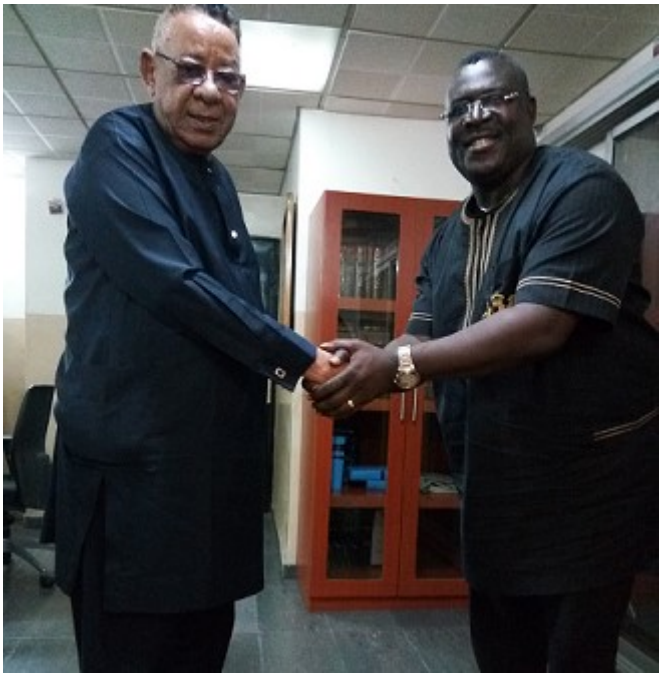

Plate 4: Researcher with a Senior Advocate of Nigeria, Robert Clarke (SAN) in Lagos, on the 21/05/2017.

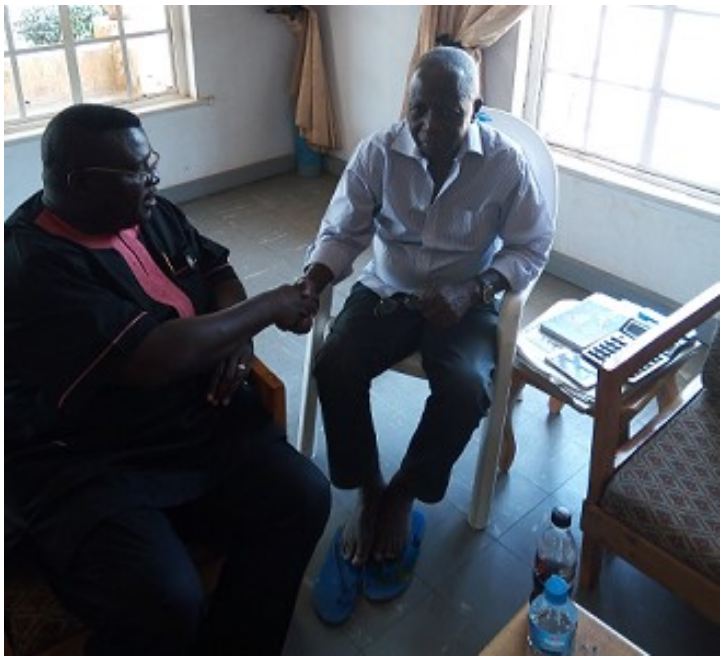

Plate 5: Researcher with former Local Government Chairman and a former member of 7-man panel that investigated the Impeachment allegations of Governor Dariye, Brig. Gen. Samuel Athu Abok (Rtd) in Jos, on the 21/03/2017.

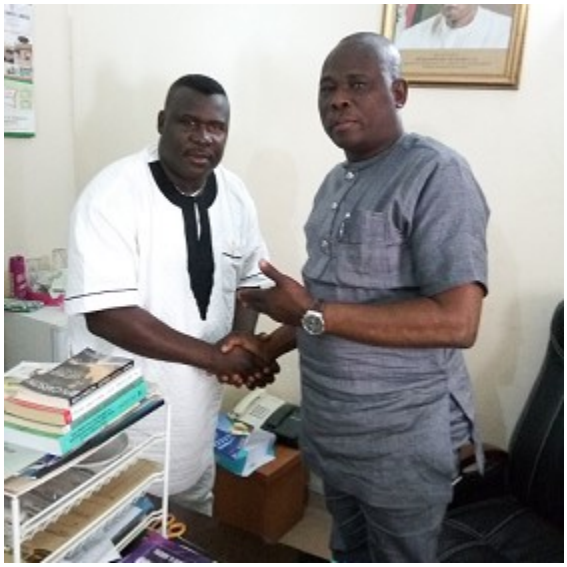

Plate 6: Researcher with Chief Hon. Robert Enogha Ayalla, former member of Bayelsa State House of Assembly in Yenagoa, on the 27/01/2017.

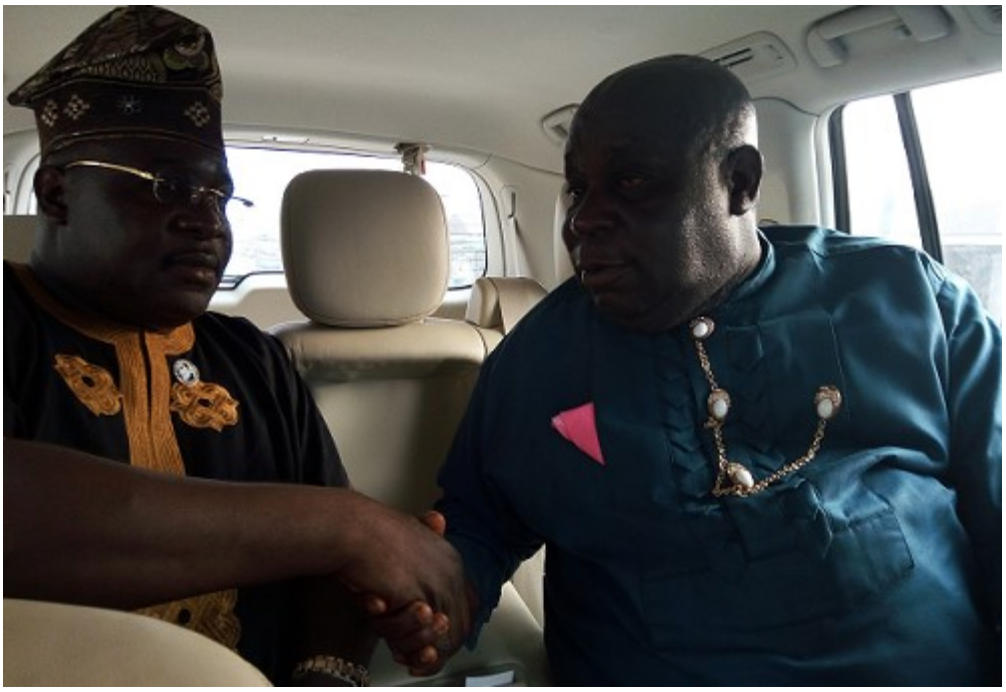

Plate 7: Researcher with a staff of the Bayelsa State Judiciary and former secretary of the 7 man panel of investigation of Gov. DSP Alameiyeseigha's impeachment, Chief Ignatus Buseri Samuel in Yenagoa, on the 13/01/2017.

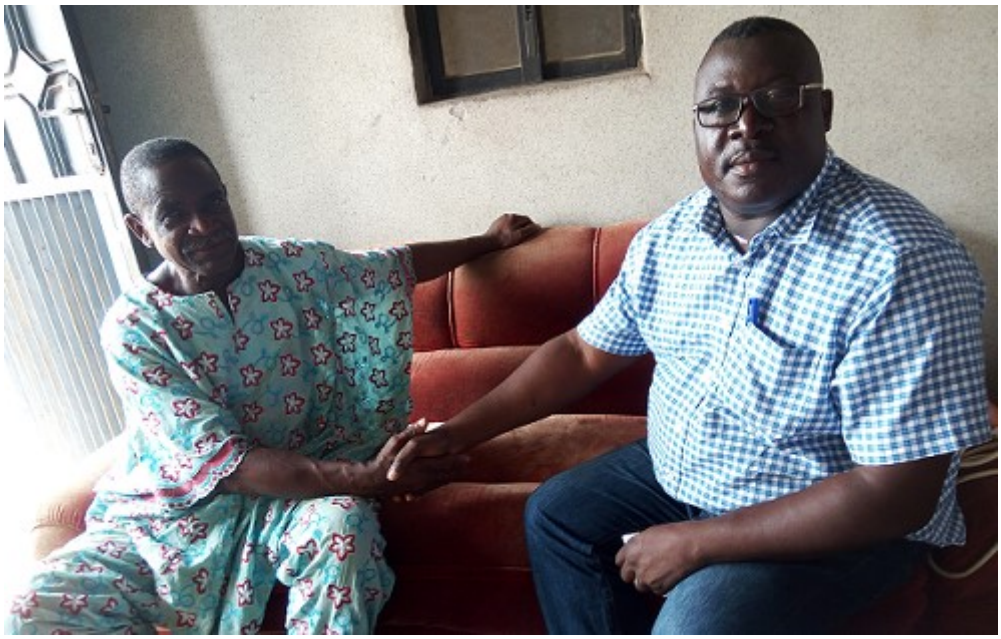

Plate 8: Researcher with former Chairman of Oyo State PDP, Chief Michael Adegbite in Iganna, Oyo State, on the 28/02/2017.

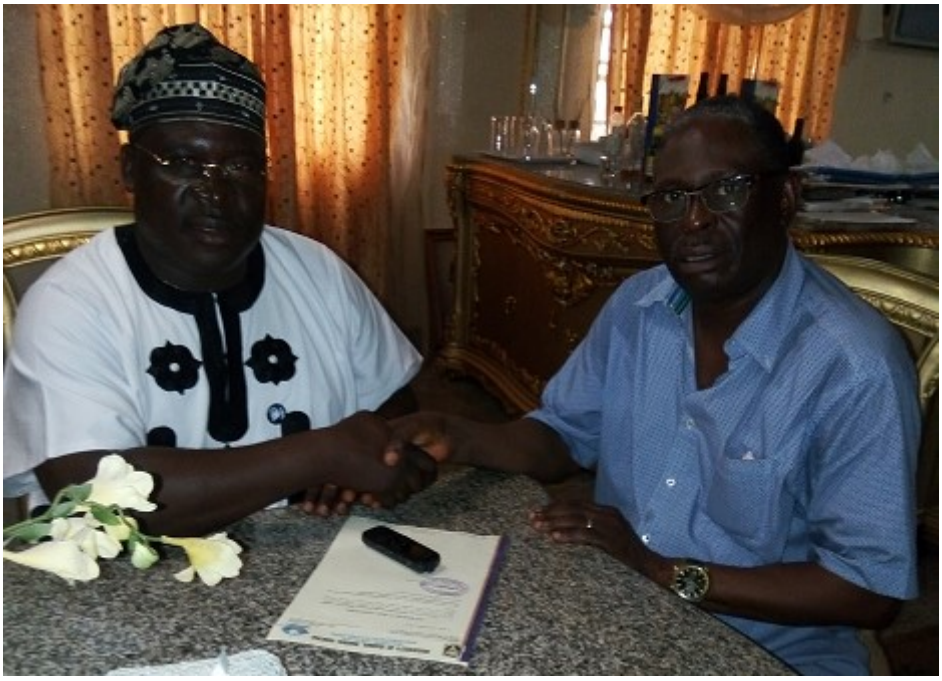

Plate 9: Researcher with former member of Bayelsa State House of Assembly and former Deputy Speaker of APP, Chief Hon. Bright Erewari in Yenagoa, on the 10/01/2017.

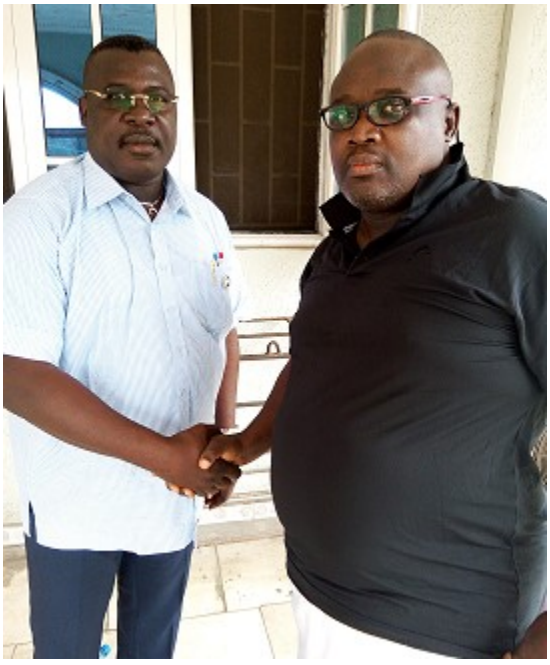

Plate 10: Researcher with former Member/Speaker of Bayelsa State House of Assembly and former Deputy Governor of Bayelsa State, His Excellency Rt. Hon. Peremobowei Ebebi in Yenagoa, on the 26/01/17.

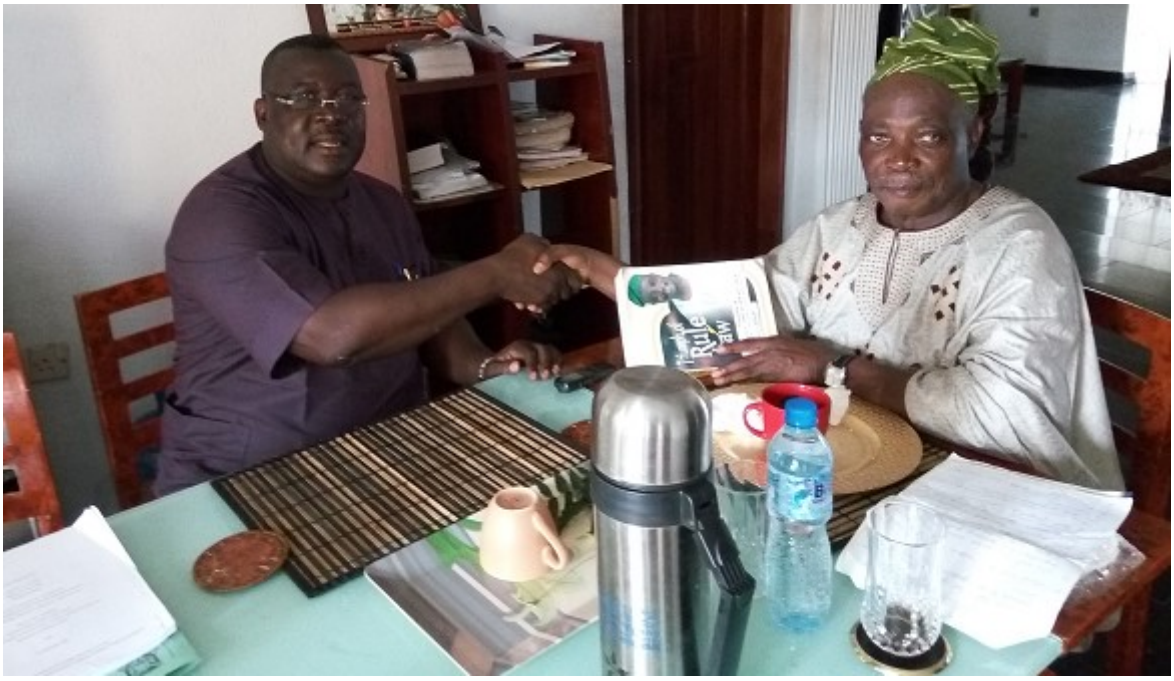

Plate 11: Researcher with a former Governor of Oyo State, His Excellency Sen. Rashidi Adewolu Ladoja in Ibadan, on the 20/05/2017.

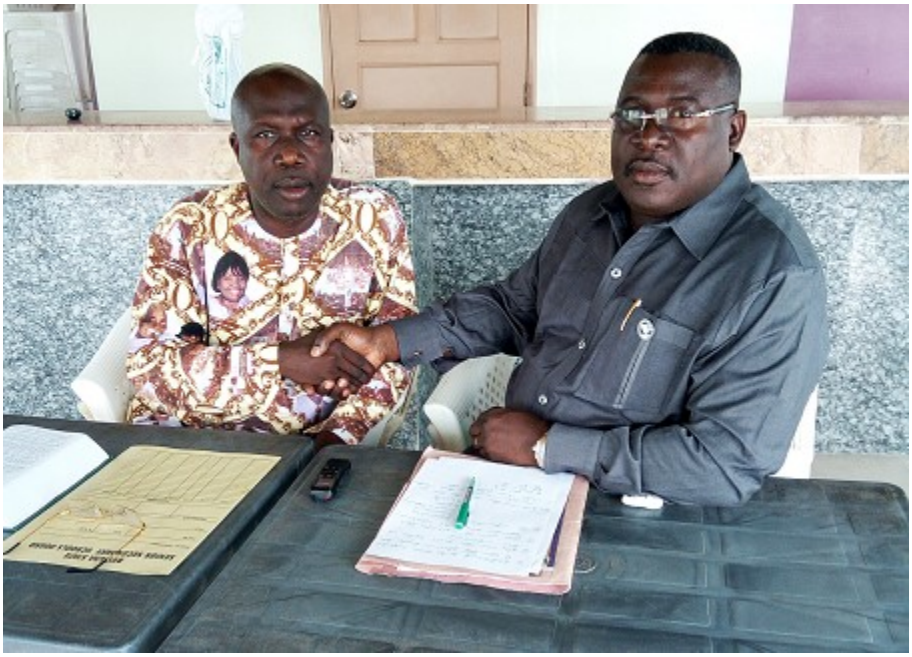

Plate 12: Researcher with a former member of Bayelsa State House of Assembly and Chairman of the State's Secondary Schools' Board, Hon. Dein Binadoumene in Yenagoa, on the 05/01/2017.

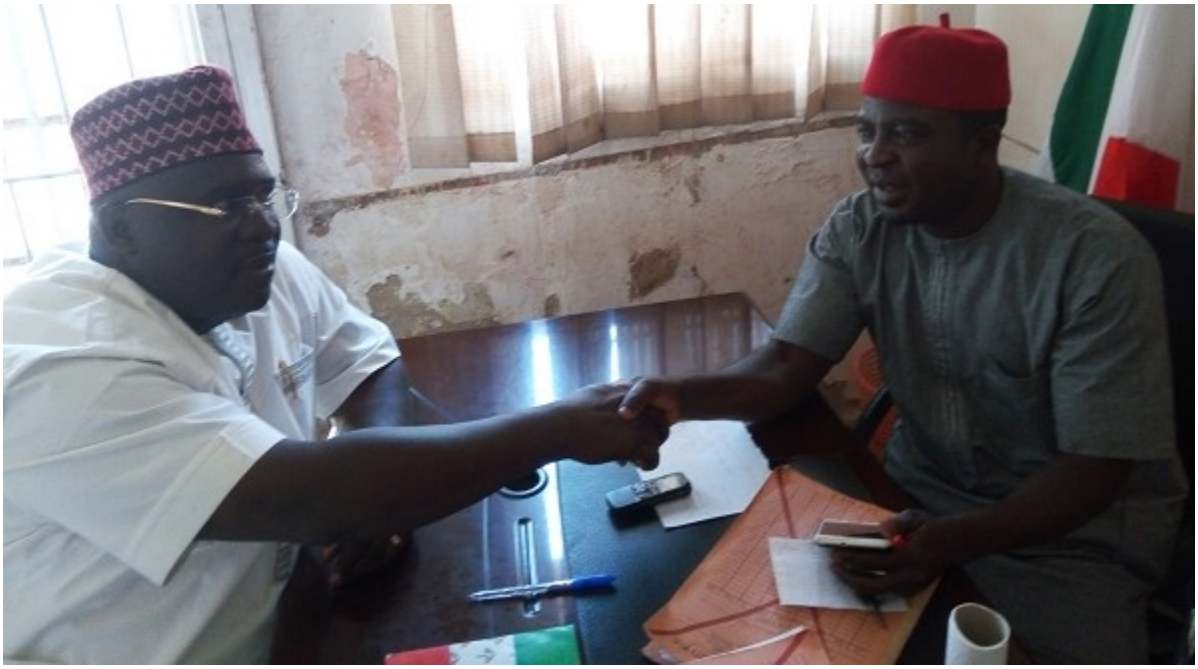

Plate 13: Researcher with Publicity Secretary of PDP in Plateau State chapter Hon. John Akaans, in Jos, on the 17/03/2017.

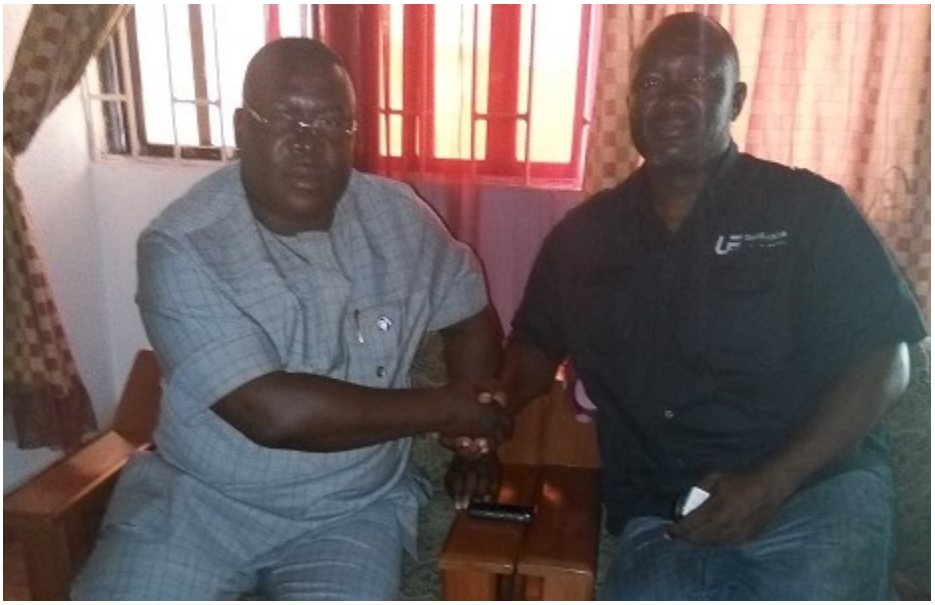

Plate 14: Researcher with former member of the Bayelsa State House of Assembly, Hon. Ofoni D. Williams in Yenagoa, on the 06/01/2017.

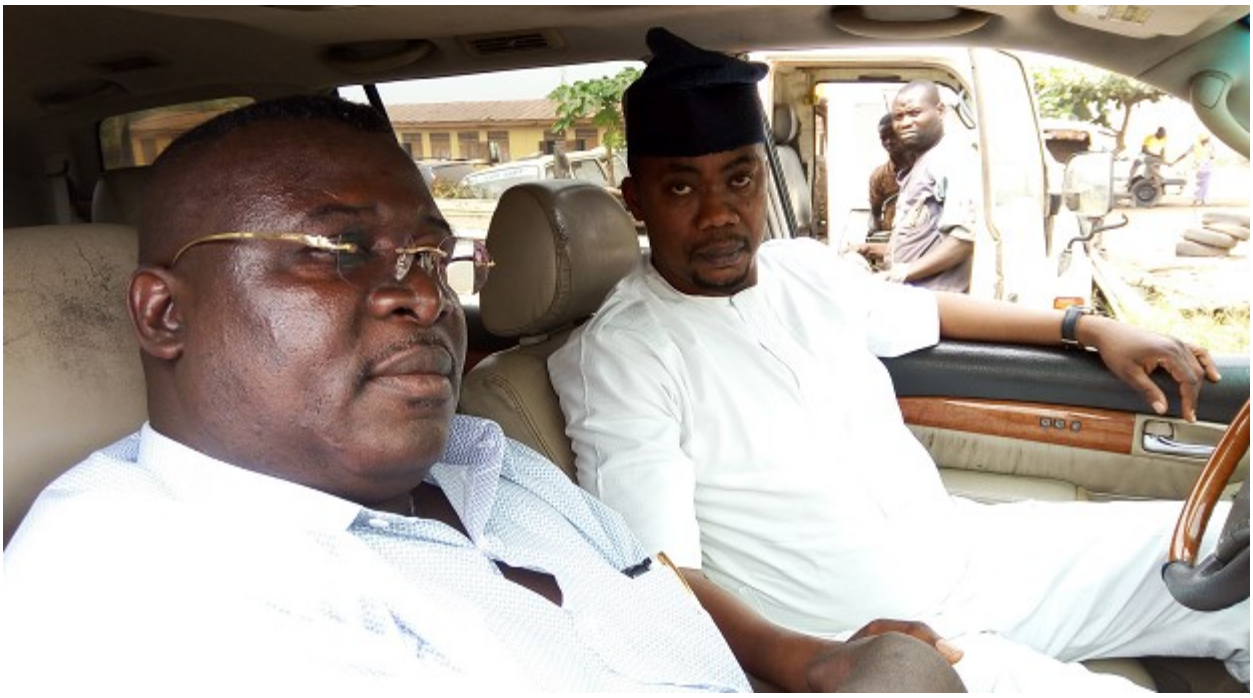

Plate 15: Researcher with former member of Oyo State House of Assembly, Hon. Olufemi Josiah in Ibadan, on the 16/02/2017.

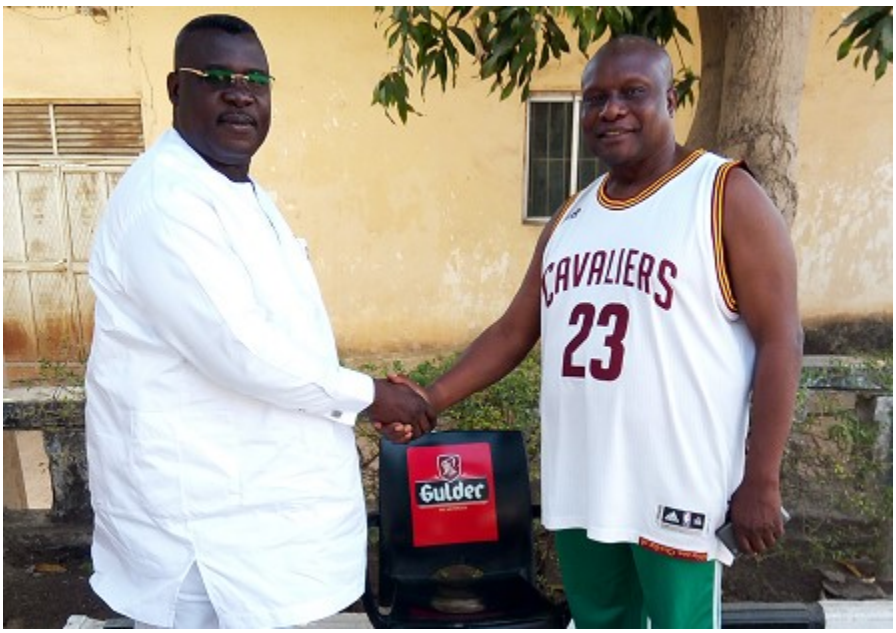

Plate 16: Researcher with former member of National Assembly and former State Deputy Chairman of PDP, Hon. Raymond Dabo in Jos, on the 18/03/2017.

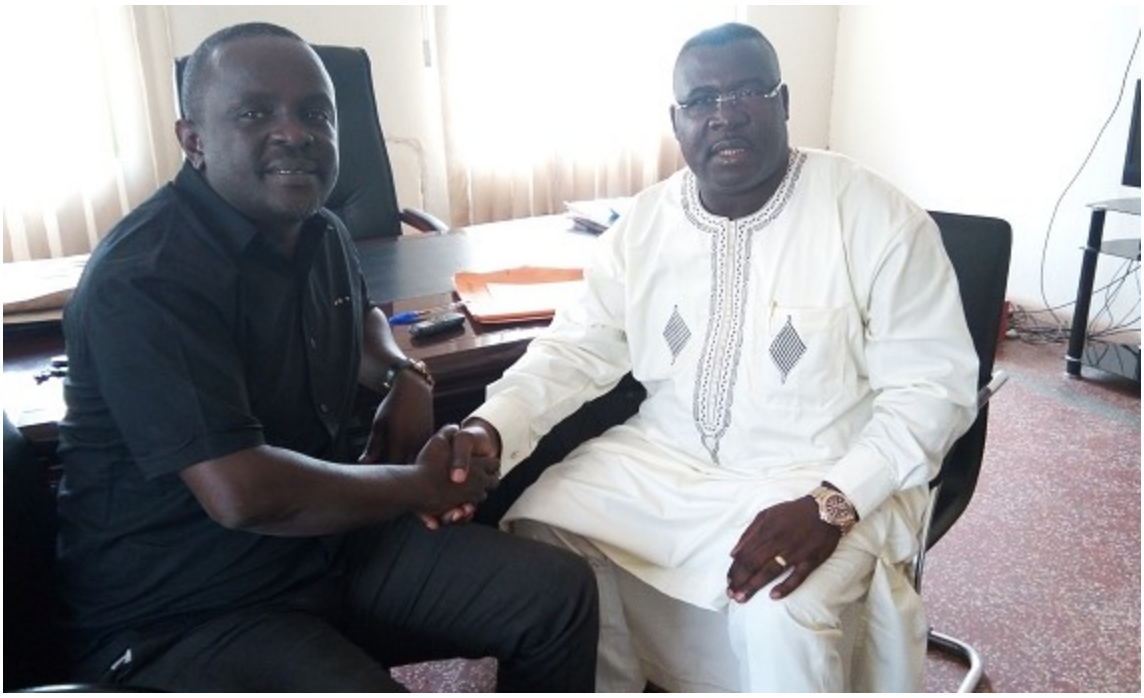

Plate 17: Researcher with former member of Plateau State House of Assembly, Hon. Victor Lapang in Jos, on the 13/03/2017.

Plate 18: Researcher with a former Chief Correspondent of The Punch Newspaper, Jude Owuamanam, in Jos, on the 15/03/2017.

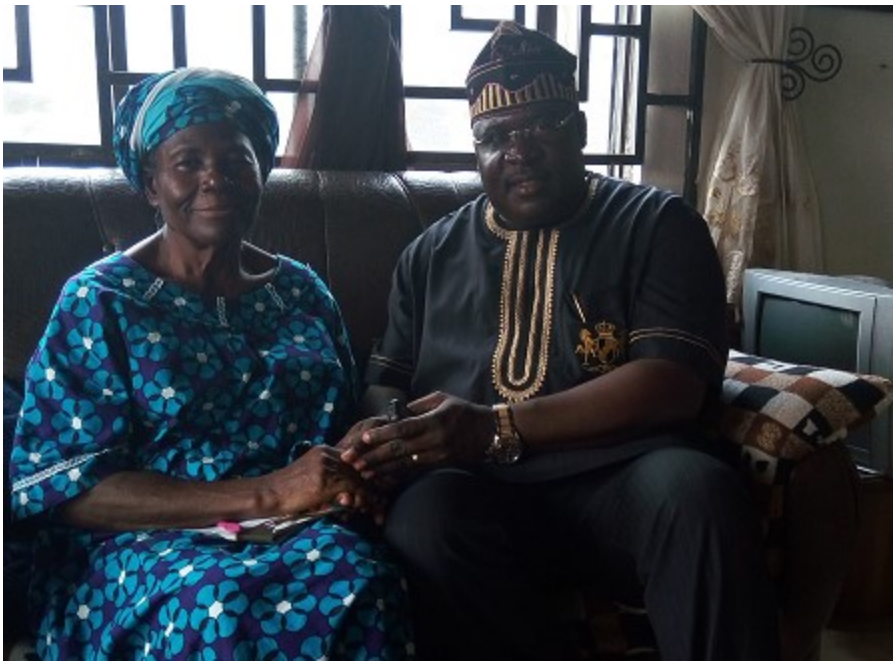

Plate 19: Researcher with a member of the 7 member panel of investigation of the impeachment of Governor DSP Alamieyeseigha, Lady Gladys Brisibe in Yenagoa, on the 14/01/2017.

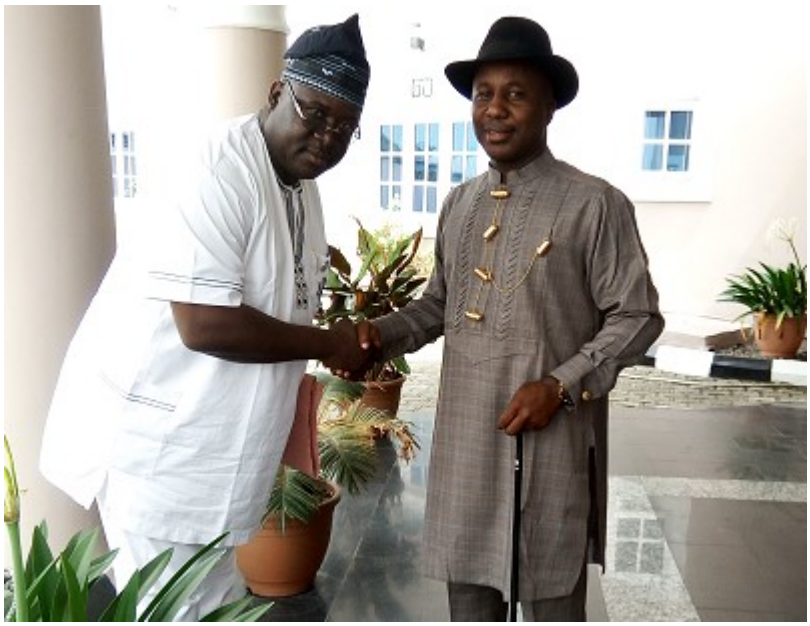

Plate 20: Researcher with former Secretary to the Bayelsa State Government, Prof. Steve Azaiki in Yenagoa, on the 06/01/2017.

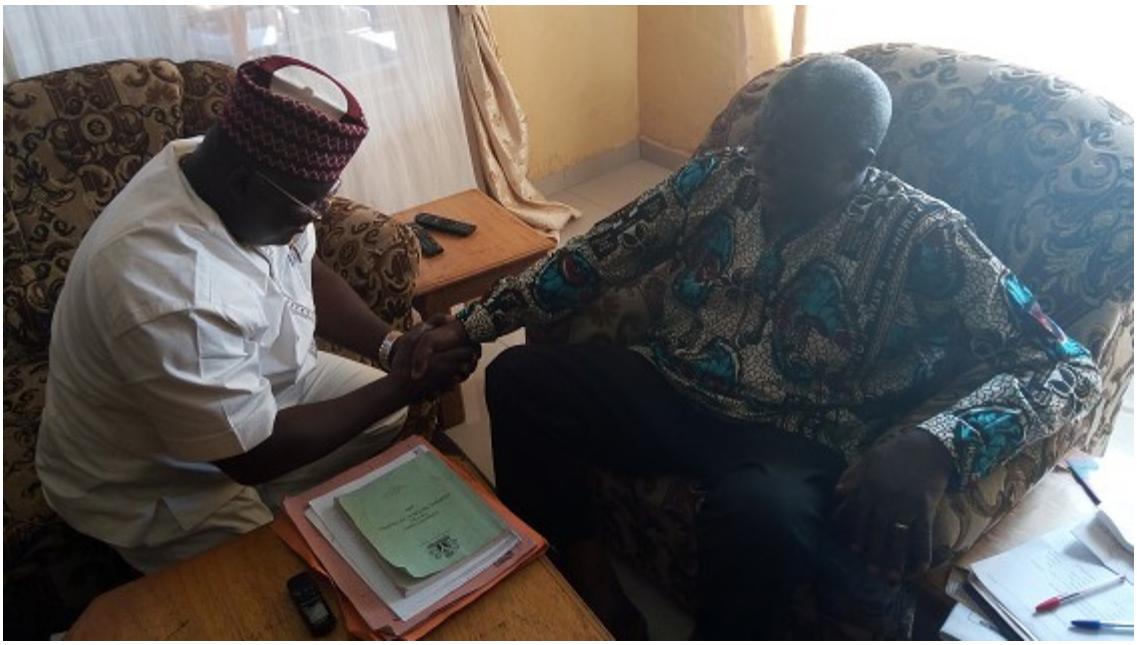

Plate 21: Researcher with a former member of the investigation panel of the impeachment of Governor Joshua Dariye, Rev. Dr. Musa Gotom in Jos, on the 17/03/2017.

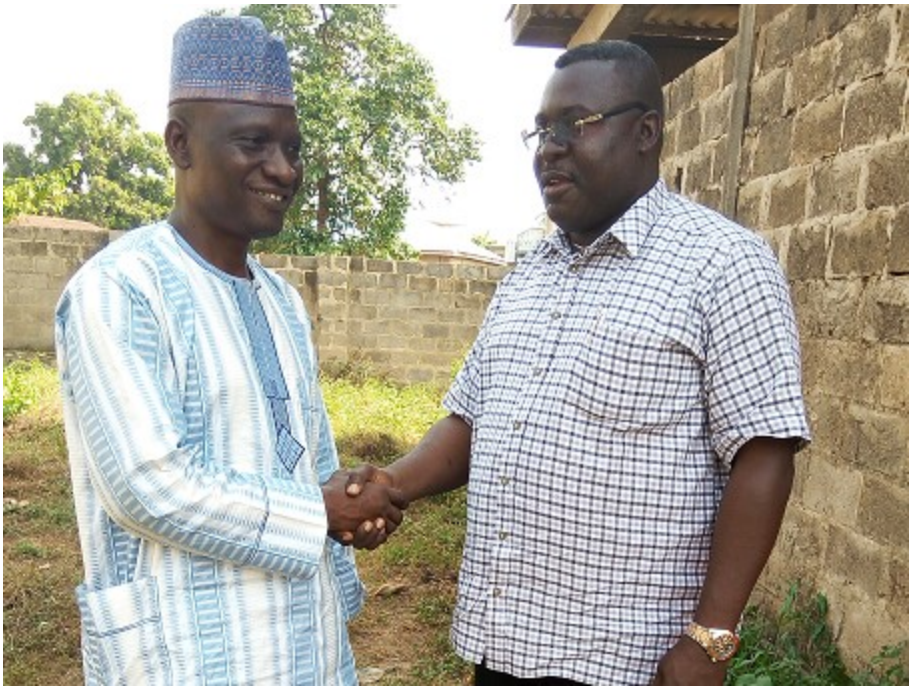

Plate 22: Researcher with a former Speaker of Oyo State House of Assembly, Hon. Adeolu Abraham Adeleke in Ibadan, on the 08/12/2016.

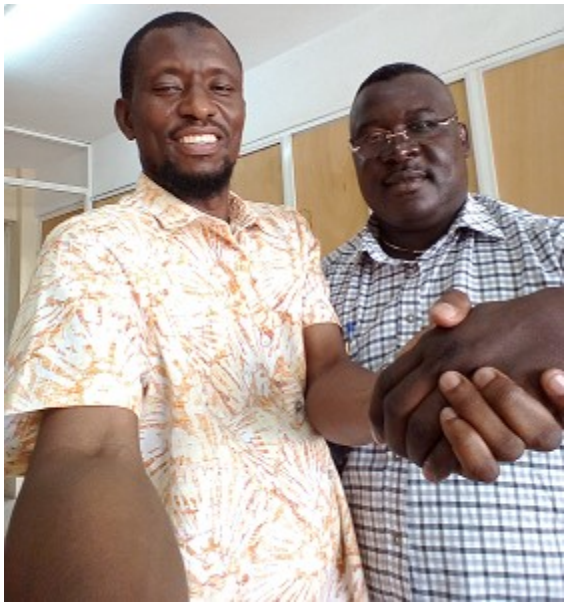

Plate 23: Researcher with former Speaker of Oyo State House of Assembly, Rt. Hon. Barr. Azeez Alarape in Ibadan, on the 23/02/2017.

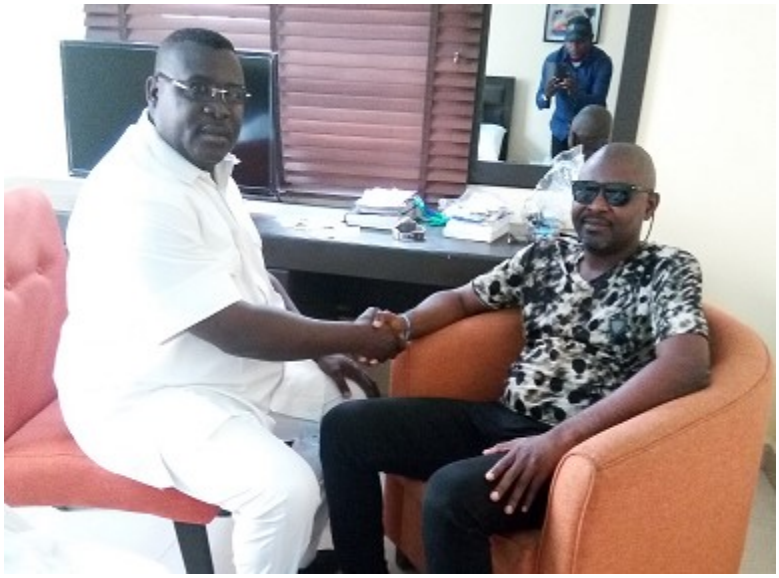

Plate 24: Researcher with former Speaker of Bayelsa State House of Assembly, Rt. Hon.Boyelayefa Debekeme in Yenagoa, on the 04/01/2017.

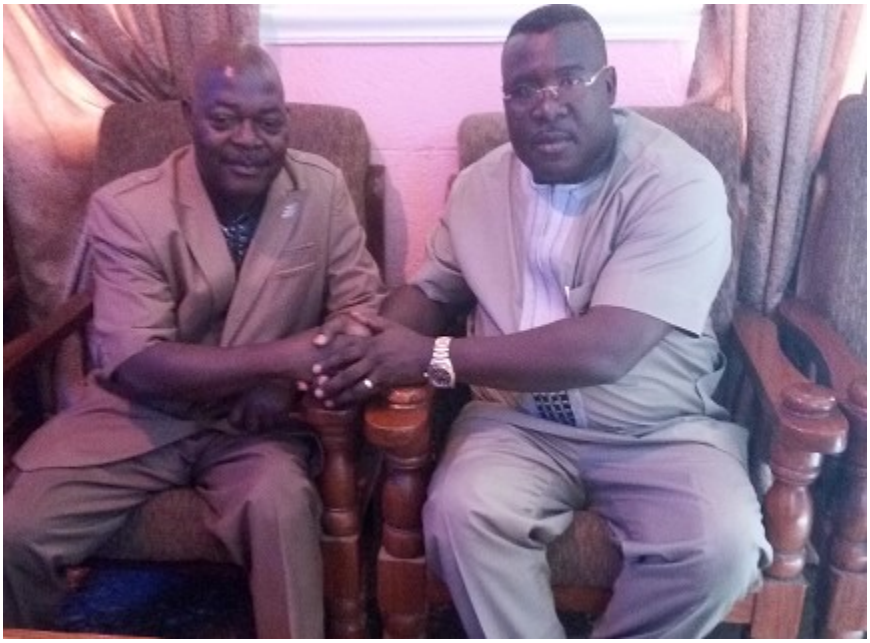

Plate 25: Researcher with former Speaker of Plateau State House of Assembly, Rt. Hon. Malam Michael Dapianlong in Jos, on the 20/03/2017.

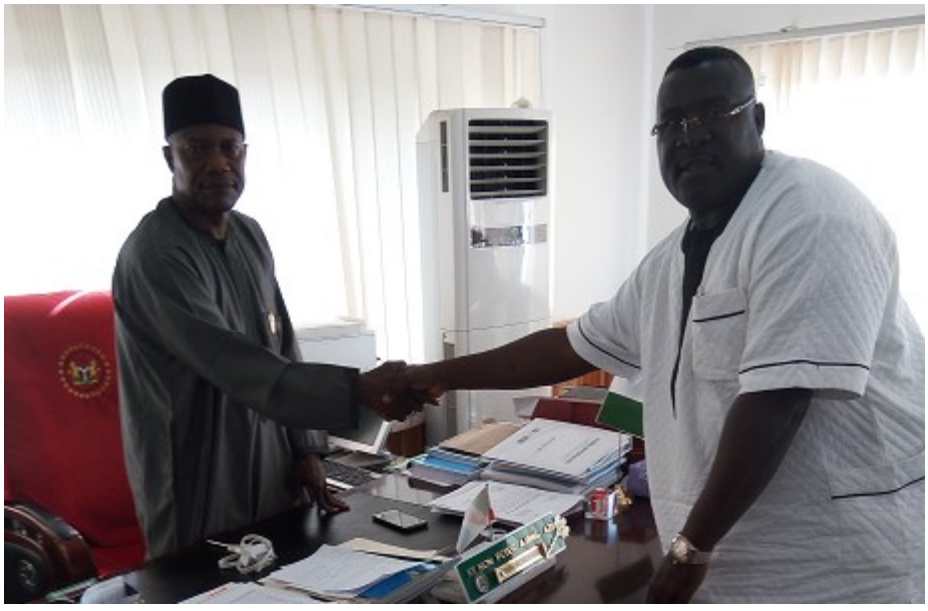

Plate 26: Researcher with former member and present Speaker of Plateau State House of Assembly, Rt. Hon. Peter John Azi in Jos, on the 14/03/17.

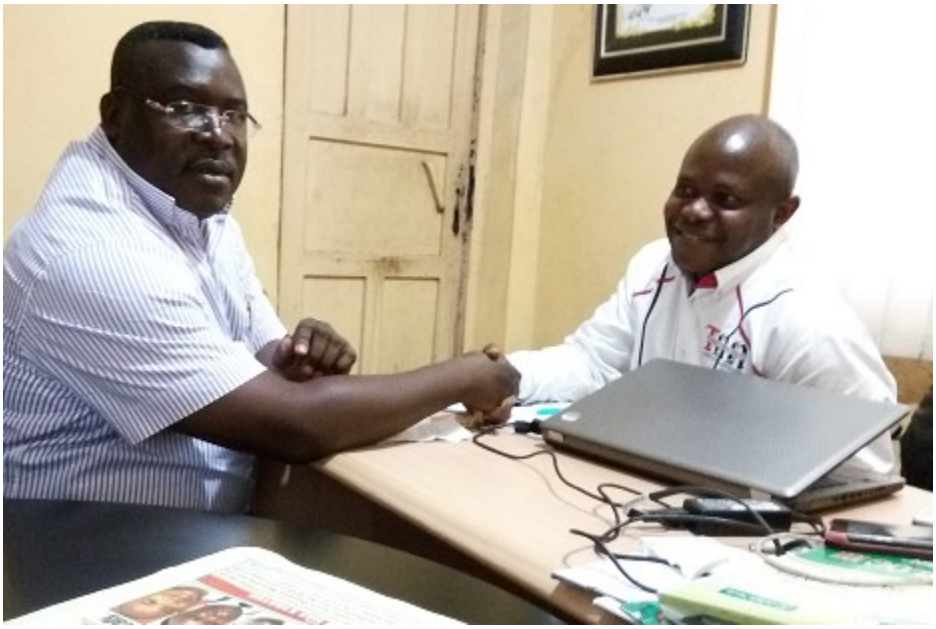

Plate 27: Researcher with a former Senior Punch Correspondent, Yenagoa Bureau, Umannah Ofonime, in Portharcourt, on the 17/04/2017.