

**AFRICAN SOCIAL AND EDUCATIONAL JOURNAL  
FACULTY OF BUSINESS ADMINISTRATION  
IMO STATE UNIVERSITY  
NIGERIA**

**VOL. 8 NO. 1 MARCH 2019**

**PARTY POLITICS AND IMPEACHMENT IN NIGERIA'S FOURTH REPUBLIC: AN  
ASSESSMENT**

**S. S. AVIDIME, PhD.**

**Department of Political Science, Faculty of Social Science  
Kogi State University, Anyigba, Nigeria**

**And**

**J. DAVID AGABA**

**Department of Political Science, Faculty of Social Sciences  
Kogi State**

**Abstract**

*The paper attempts an analytical presentation on the link between impeachment and democratic consolidation in Nigeria drawing from the experiences of the spate of impeachments from the five states of the federation i.e. Bayelsa, Oyo Plateau, Ekiti and Anambra States of the federation. The research notes that impeachment is multidimensional, encompasses the three organs of government: the legislature, executive and the judiciary. It focuses on executive-legislative relations in the Fourth Republic. The research also observes that ordinarily, impeachment is meant to strengthen a democratic process when carried out according to the constitutional laid down procedures. However, in Nigeria, impeachment became a tool of political vendetta, used to fight perceived political opponent hence threatening the political and democratic stability of the country. These has been facilitated by the monetization/commercialization, trivializing and striving on the power of impeachment with establishment of the Economic and Financial Crimes Commission (EFCC), the enshrinement of the politics of godfatherism as well as the politicization of the police and the military which are ready tools in the hands of the political fat cat. The strongest recommendations of the research therefore, is the need for the establishment of centre for executive-legislative studies whose duties will be to organize workshops, seminars and symposia to further educate these categories of people.*

**Introduction**

Nigeria's Fourth Republic began on May 29,1999, following the successful handing over of power to a democratically elected civilian government headed by Olusegun Obasanjo. Less than a year into the democratic experiment, the country began to witness threats of impeachment among the elected political office holders. In fact, since the return of Nigeria to civil and democratic rule in May 29,1999, the recourse to the impeachment clause in the constitution has become so worrying that it poses a threat to democratic stability. In the second republic (1979-1983), this clause was sparingly used, indeed against Governor Balarabe Musa of Kaduna state. The spate and threats of impeachment began in 1999 at the national

assembly the threat of removal of Salisu Buhari, the then speaker of the House of Representatives. This was consequent upon the revelation made by The News (July, 12-17, 1999) accusing the speaker of making false declaration of age and educational qualifications. The attendant process of investigation, which pointed to the direction of his culpability, eventually informed his decision to resign in tears and apology to the nation on July 22, 1999. Ever since then, the trend has continued unabated. For instance, the first senate president of this republic, Evans Ewerem was removed in November 1999 for allegations relation to falsification of age, name and academic claims among others (see The Punch, Tuesday, May, 29, 2001). His successor, Chuba Okadibo was also impeached on 8<sup>th</sup> August 2000 by a vote of 81 against 14, with 12 senators absent and one abstaining from voting. His removal was premised on charges of "financial misappropriation, rudeness, unstable character and lack of moral fiber" (Ikubaje 2000:6).

The impeachment saga was not limited to the National Assembly. It cut across the various houses of assembly all over the federation. In Abia state for instance, the speakers of the House of Assembly were changed twice between 1999 and 2003 due to impeachment. The first elected speaker of the Enugu state House of Assembly, Cletus Eribe, and his counterpart in Edo state, Okosun were impeached on charges of 'inefficiency, and acts of impropriety and high handness' (This day August 9-10, 2000). Similarly in in Kogi State, the speaker Hon. Buba Jibrin and his deputy Simon Achuba were impeached. This list is endless among impeached speakers and their deputies of the States House of Assembly.

The executive arms of government, both at the Federal and states levels have had to contend with the same fate. At the Federal level, the first threat of impeachment against the president was made on May 2000. The motion was moved by Arthur Francis Nzeribe, after listing a fifteen count charges against the president. Besides, the House of Representatives also attempted a vote of no confidence on the president. The height of it all was when the House of representatives issued a two-week ultimatum on August 13, 2002 against the president of either resign or face impeachment.

The gale of impeachment or its attempts has been so frequent that civil rule, it is feared by many lovers of democracy, is under serious threat. It started with the impeachment of Iyola Omisore, the then Deputy Governor of Osun state in December 2002 for his alleged complicity in the murder of Bola Ige, the then Minister of Justice and Attorney General of the Federation (Omotola: 2007).

The spate of impeachment assumed the dimension of a scourge and dizzyingly height and climaxed after the 2003 general elections with the institutionalization of the Economic and Financial Crimes Commission (EFCC) with the impeachment of Governor DSP. Alameiseigha, Rasheed Ladoja, Ayo Fayose, Peter Obi and Joshua Dariye of Bayelsa, Oyo, Ekiti, Anambra and Plateau States respectively.

### **Conceptualizing Impeachment and Democratic Consolidation**

The constitution of most countries have provisions on check and balances, which are inserted to promote good governance by minimizing instances of misconduct on the part of public office holders. In some cases, these provisions are rarely used but are retained as deterrent against conduct of that is unbecoming of public officers. This explains the essence of

the impeachment clause in the constitution of most countries of the world especially those practicing the presidential system of government. As put foreword by Oyeboade (2007) ordinarily, the impeachment process exists as check on the arbitrariness and bad governance such that political office holders and also judicial officers would behave properly in accordance to the constitution as well as their oath of office to further enhance democratic stability in the country.

Similarly, Omotola(2007:203) opined that impeachment process ordinarily meant to strengthen the democratic process. This according to him can only hold if pursued in a manner devoid of ethic, religious as well as selfish interest and sentiments. It is however unfortunate that these are part and parcel of the impeachment motions and threats that plagued the Nigeria's Political space and the subsequent arbitrary removal governor Ladoja, Dariye, Obi, Fayose and Alameiseigha, and most other impeachments across the country, hence, the widespread of condemnation across the country. This aptly agreed with the position of Oyeboade (2007) who in a comparative term observed that unlike in the advanced democracies, where impeachment is a sword that is sparingly used since political actors and judges had, or more or less, imbibed the more of their calling. On the other hand, democratic praxis in a transitional, peripheral dependency such as ours tends to be afflicted by the whims and caprices of political operators many of who remain insensitive to the underlying assumptions that animate the political system. In their thinking, law is to be harnessed in pursuit of particular interests. Within such a scenario, self-seeking, self-centered and self-perpetuating elements entrenched in power would stop at nothing to impose their will on a hapless populace. To them due process of law is to be discounted whenever it becomes a hamstring in their quest for domination and political control. Adeniyi(2002) also have noted that the way and manner in which the spate of impeachment motion was moved was not properly convened, meaning that what was done during the process was a 'legislative fraud'. Besides, the alleged breaches have been seen as either "blown out of proportion or are altogether uncorroborated window dressing". In fact, the whole process has been seen as unsustainable and smacks of a hidden agenda (Adebayo 2004:12) It was this glaring perversion of the impeachment process to pursue a hidden agenda that made it pose severe threats to democratic nurturing and consolidation, particularly in a country that has just emerged from several years of uninterrupted military autocracies.

However, the coming of the Economic and Financial Crimes Commission (EFCC) has forced some states legislators to embark on the removal of some of these governors so that they can be prosecuted for their crimes. The EFCC had publicly indicted 31 out of 36 states governors for corrupt practices.

According to Olukenla (2007) The nucleus of the approach is that some lawmakers in the affected states or Assemblies are made to bargain for their freedom from allegations of corrupt practices by embarking on the constitutional role of impeachment of governors that have been indicted by the EFCC.

### **Theoretical Consideration**

In all developed countries, progressive and good governance has played the key role in the promotion of Economic Growth and Development. Indeed governance embraces sound economic policies, the rule of law, including the protection of rights, including property rights. Governance is, therefore, a critical variable that impacts seriously on economic development.

The institutions and the supportive framework of the state are essential for promoting investment, which, in turn, accelerates the production of goods and services. The rules of the game 'laid down by the state largely determine the performance of the economy, they are central to the creation and sustenance of an enabling environment. The establishment of rules for the efficient functioning of the markets and for the correction for market failures is an indisputable condition for economic success (World Bank, 1992; Chet and Roberts, 1996).

Besides, the structures of governance maintained by a difference to the dynamics of the economy.

For a long time, good governance was assumed; it was not incorporated into the economic development matrix. In his 'strategy for Economic Development', Hirschman(1958) emphasize the role of social overhead capital (SOC) in the development process. There was no mention of the type of government most suitable for the provision of SOC that would induce investment in Directly Productive Activities (DPA). SOC includes infrastructure, particularly transport and communication, adequate and regular supply of electricity, adequate water supply, etc.

In recent times, Stern (2000) has expanded and expatiated on what makes for conducive investment climate. He posits that the investment climate of any country clearly depends on many different aspects of the public and private action. He brings to the fore good governance and socio-political institutions. He regards as crucial, macroeconomic stability and openness.

These embody usual sound and sensible prescriptions for macroeconomics and trade policy. The second factor involves governance, which according to Stern (2002) can be subdivided).

From the foregoing, one can reiterate that the significance of a good investment climate as a veritable tool of development cannot be over-emphasized. Poor investment climate in Nigeria has been caused by maladministration, arbitrariness of military dictatorship and political instability. By the middle of the 1990s, Nigeria had become a pariah nation. The return to a democratic regime in 1999 was expected to pave way for a congenial economic climate. This hope has dimmed a result of the misused of the impeachment provision of the 1999 Constitution.

### **Some Selected Cases in the Nigeria's Fourth Republic**

#### **Diepreye Alamieyesegha's Impeachment**

The genesis of Alamieyesegha's impeachment started with his arrest in London's Heathrow Airport on September 15, 2005 by the London Metropolitan police on the charges of the money laundering. Upon his arrest, he was arraigned at a London Court where he was charged with a three count charge of being in possession and laundering of some money amounting to \$1.8million; and \$420,000 in September, 2001; \$475,000 in March, 20002; and \$920,000 in September, 20005. These are offences under the provisions of section 327(1) of the proceeds of Crimes Act, 20000 and Section 93(1) of the criminal justice Act of 1988. The governor pleaded not guilty but was denied bail as a result of the precedent set by Governor Joshua Dariye of Plateau state who was granted bail under similar circumstance but jumped bail and fled to Nigeria. More will be discussed about Dariye case later.

As Alameiyeseigh was fighting against criminal charges in London, back home on the political front, another battle waited him. There were demands for his impeachment by Gani Fawehinmi (SAN) and Sergeant Werinin Pre Gigif- chairman of the Supreme Egbesu Assembly.

Gigif argued that it was wrong for a person standing trial in far London to remain as a Governor of a state in Nigeria, concurring that he had already brought shame and disrepute to the name of Bayelsa State. As the debate was still going on the possible impeachment of Alameiyeseigha, he jumped bail in London and arrived in Nigeria and was welcome on arrival by the Ijaw nation at home and abroad.

The Bayelsa State House of Assembly decided to adjourn "sine die" when the governor's travails began in London. The lawmakers who were largely loyal to him adjourned sittings to avoid the pressure from the presidency to commence impeachment proceedings against the governor. But according to Jephthat Foingha, Deputy Speaker of the House of Assembly, the House adjourned to enable the members engaged in constituency tours and that they could resume any day they wanted (Newswatch 2005). Alameiyeseigha never denied that he stole money from his state. Shortly after the speaker of Bayelsa state House of Assembly was impeached along with the Deputy both loyal to him, Alameiyeseigha said that he was not afraid and could not be intimidated. He argued that

*"If I am corrupt, I steal Federal Government's 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, House of Assembly is the right organ to prosecute"*

(Tell Magazine 2005).

A wealth of evidence provided by the EFCC of properties owned by him in Nigeria and abroad to 1.7 billion naira found in private bank accounts in the United Kingdom forced the House members who were loyal to him before to start the impeachment process. And the arrest of the lawmakers by the operatives of the EFCC and their indictment before the courts for embezzling N100million each meant for constituency development, forced them to initiate and complete the removal proceedings against the state Governor.

The impeachment plan against Alameiyeseigha commenced amidst threats by the Ijaw youths groups who vowed to halt it even with their own blood. Because of the threat by 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.

Against this background, 20 out of the 24 members of the State House of Assembly signed the impeachment notice against the Governor. Peremobwei Ebebi, the new speaker of the Bayelsa State House of Assembly who read the impeachment notice said that the action was based on the fact that a man who could disguise as a woman to run away from London to Nigeria should be a Governor. He also accused the Governor of money laundering, operating foreign accounts, corrupt enrichment of his wife and children, and failure to intimate the House of his arrest in London.

In its report, the panel said, "by jumping bail, Diepreye Alameiyeseigha is in breach of his oath in respect of international law. He has by this act committed an act that amounts to gross misconduct". However, by disguising himself to the extent of jumping bail, he had held

himself to be a man without integrity, moral and no sense of decency. This indeed constitutes a gross misconduct, which renders him unfit to govern the State.

On the second allegation, the penalists found Alamiyesiegha guilty for failed to formally notify the Government of Bayelsa State, particularly the Bayelsa State House of Assembly of his arrest, detention, arraignment and trial in London court for the offence of money laundering.

But instead, he deceptively wrote a letter to the House and backdated it to 1 September, 2005 requesting to be away for 120 days to enable him recuperate from a surgery he underwent in Germany. This was held to be contravention of section 190 of the 1999 constitution.

The impeachment of Alamiyesiegha was frustrated when the speaker Ebibi called for a voice vote to remove the Governor and no one objected in the House. The impeachment was signed by 17 of the (24) members of the House. The speaker then appealed to the Chief Judge to swear in the Acting Governor, Dr. Goodluck Jonathan, as the substantive Governor. Chief Depreye Alamiyesiegha thereby ceased to be the Governor of Bayelsa state from the moment of his removal by the lawmakers.

While the conditions of his removal by the lawmaker were not in doubt, the procedures through which that end was realized remained highly controversial. For example, besides the intimidation of the lawmakers by the EFCC, was alleged that in the build up to the impeachment process against the former Governor, Chief Depreye Alamiyesiegha lasted.

Jonathan returned to the state capital Yenoga, only to be sworn in as the substantive Governor.

Though some contend that this was calculated to forestall any breakdown of law and order in the state, but this relocation was perceived by many scholars as preemptive and suggestive of an orchestrated plot against the substantive Governor by the EFCC.

It is also argued that the House was intimidated, hoodwinked and coerced into taking appropriate legislative action. Most sittings were conducted outside the House of Assembly of the state contrary to the constitution. How the impeachment of the Governor activated Ijaw nationalism should be of interest to scholars (see ologbenla 2006:85)

### **Governor Joshua Dariye's Impeachment**

Since the discovery of several corruption-related anomalies several unsuccessful impeachment attempts against Governor Dariye have been credited to the EFCC. Perhaps, the most recent was initiated by eight of the twenty-four legislators of the state's House of Assembly. A move that commenced on Friday 13<sup>th</sup> of October 2006 has been described by many as theatrical rehearsal that took place outside the Chamber and the state (see Guardian 2006:12).

The lawmakers served the impeachment notice on the Governor on October 5, 2006 after they had received charges of misconduct, misappropriation of funds and money-laundering pending against the Governor from the EFCC. The impeachment proceedings led to a clash between the riot policemen deployed to Jos to provide security cover for the eight members of the statehouse of Assembly, who had served an impeachment notice on the Governor and some protesting youths (see Guardian 2006).

Preparatory to a knotty constitutional issue, arguments ensued when the eight members claimed to have formed two thirds quorum required for an impeachment move. This, they argued, was so given the earlier defection of fourteen members of the PDP to the Advance Congress of Democrats (ACD) now Action Congress (AC), twenty-four members Assembly had been reduced to ten. This position, championed by the designated speaker of the House of Assembly Micheal Dapianlond another member of the group of eight, Manchangae Napcwat representing Lantang North, was anchored on the provisions under section 109(1) of the 1999 constitution (see Guardian 2006).

They reasoned that by these provisions, their colleagues were deemed to have vacated their respective seats immediately after renouncing their membership of the PDP for the ACD (now AC). Thus, two thirds envisaged by the constitution under section 96 and 188 of the 1999 constitution is of the members who were constitutionally qualified to continue the legislative functions (see Guardian 2006). The fierce Lagos Lawyer, Gani Fawehinmi, was a foremost proponent of this school of thought. This is really akin to arguing that the end justifies the means. The question really is whether it is right for the law on impeachment to be abridged simply because it borders on corruption.

Those in support of Governor Dariye were of the view that the eight legislators were acting out a script of the EFCC. The body was accused of holding some members of the House of Assembly perceived as constituting obstacles to the impeachment of the Governor (including its clerks) in its custody while the proceedings lasted. This position was, however countered by Napowat to the effect that none of their actions against Governor Dariye was promoted by either the EFCC or any dissenting politicians as alleged. He predicated their Committee led by Honourable Usman Zumuna Musa, which gave the Governor a clean bill of health notwithstanding objections by some members of the House (Guardian 2006).

*The group of eight legislators gave Dariye less than two weeks to respond to the allegation of gross misconduct and money laundering contained in the impeachment notice served him. They urged the Governor to prepare and respond appropriately to the allegations against him rather than cast aspersion on groups and individuals not in agreement with his style administration in and outside the state. While they stressed that they were not out to witch-hunt him, especially since he had earlier been cleared of wrong doings by a penal his impeachment was not inevitable (see Guardian 2006)*

Many of Dariye's supporters perceived the situation as undemocratic and unhealthy.

The further faulted the impeachment move vis-a-vis the EFCC's role on the ground that the substantive speaker of the House, Simon Lalong and other principal officers were arrested by the EFCC when they refused to remove the State Governor, stressing that, since the state Assembly could not find evidence against him, the impeachment should be jettisoned.

### **Governor Ayodele Fayose's Impeachment**

Ayodele Fayose was the Governor of Ekiti State elected under the platform of PDP in 2003. Before his removal from office, he had presided over the administration of the state from 2003 to October 16<sup>th</sup> 2003, when he was impeached by the state's lawmakers on the allegations of corruption, abuse of office and gross misconduct. Other allegations against Governor include; illegal operation of foreign accounts; illegal diversion of local government

**S. S. AVIDIME, PhD. AND J. DAVID AGABA**  
**PARTY POLITICS AND IMPEACHMENT IN NIGERIA'S FOURTH REPUBLIC: AN ASSESSMENT**

---

funds; receipt of illegal gifts; and illegal transfer of the sum of \$100,000 to the United States (Guardian 2006).

The Governor and his Deputy, Mrs. Abiodun Olujimi were served impeachment notices by twenty-six lawmakers on October 3, 2006, following allegations of gross misconduct against them by the EFCC. In a controversial circumstance, two panels of investigations were set up in a quick succession to determine the fate of the Governor and his deputy (Guardian 2006).

The membership of the first panel constituted by the Chief Judge, Justice Kayode Bamishile was believed to be dominated by people of questionable character and loyalist of the Governor against the spirit of the constitution under section 188(5). Thus, the State House of Assembly disregarded the panel and instead appointed Justice Ajide Aladejana in acting capacity as the Chief Judge. Justice Aladejana constituted the second panel with the same term of reference (Guardian 2006).

Though Governor Fayose and his Deputy were cleared of all charges by the first panel, when it was certain that the governor might not have the privilege of express clearance with the second panel, he failed to show up or make representation at the panel sitting. However, his Deputy did, this second panel found him culpable and decide to act accordingly (Ogunmade 2006).

In the Ekiti impeachments crisis, the controversy that trailed the composition of the first panel of enquiry, the decision of the State House of Assembly to reject the panel's report, which passed a no guilty verdict on Governor Fayose and instead set up another panel also raised several questions. First, the substantive Chief Judge, Kayode Bamishile argued that it was his discretionary power to vet it. Consequently, an order by the legislature for the Judge to appear before it was ignored on the ground that the assembly was acting outside its jurisdiction, for he was not accountable to the assembly (Williams 2006).

Justice Bamishile had described the legislators as jokers who should not be taken seriously. He averred that the legislators needed to be educated on the powers granted them by the constitution. Similarly, while the lawmakers believed that there were still within limits of the constitution, the Governor believed otherwise and chose to described the Assembly's action as a coup and a rape of democracy. Regardless of the raging controversies that border on the legality of process, the House voted to impeach Governor Fayose and his Deputy Abiodun Olujimi. The motion for the impeachment was passed with one legislator abstaining, one against the twenty-two in support (Guardian 2006).

The legislator thereafter appointed their speaker, Friday Aderemi, as acting Governor in line with section 191(1) and 92) of the 1999 constitution, which gives the speaker the power to act in the absence of the Governor and his Deputy. He was to occupy the office for three months prelude to fresh elections as provided by the constitution in such circumstances (Newswatch 2006).

In sharp contrast, however, on October 19 2006, President Obasanjo in an early morning broadcast declared a state of emergence in Ekiti state, appointing retired Brigadier General Tunki Olurin as the Administrator of the state for six months as provided for in the constitution under 305(Guardian 2006). According to the president, this action became necessary in order to avoid a looming danger and what he called possible breakdown of law and order. This was



given credence by the claim of the estranged Deputy Governor, Abiodun Olujimi and the speaker, Friday Aderemi then acting Governor, thus creating two parallel governments, with both laying claim to the state security. While the former relied on the impeachment proceedings that were fraught with irregularities and illegalities, the later justified his action on the power granted the State House of Assembly.

Mrs. Abiodun Olujimi's relocation to Abuja in the heat of the crisis was seen by many as a security arrangement perfected by higher authority with vested interest which was aimed at shielding her until the impeachment process was concluded. It would be recalled that this was the style in which the beneficiary of the Governor of Bayelsa state and erstwhile Deputy of Alameyesiegha, Goodluck Jonathan assumed power as the substantive Governor of Bayelsa State (Tell Magazine 2006).

### **Governor Peter Obi's impeachment**

The legal tussle over who actually won the 2003 governorship election in Anambra state dragged on for three years while Dr. Chris Ngige. At the appellate court, even the same INEC that told the tribunal that Obi actually won the polls canvassed the option of a fresh election which the Tribunal rejected. This was after all entreaties to have Obi returned to the People's Democratic Party (PDP) where he started from failed. On March 15, 2006 the court of appeal sitting in Enugu upheld the judgment of the Tribunal and ordered the immediate vacation of office by Ngige and the swearing in of Obi. Thus, on March 16 2006, Obi alongside his Deputy Governor, Mrs. Virgy Etiaba, was sworn in.

Obi's installation as the All Progressive Grand Alliance (APGA) Governor did not go down well with the PDP members which control the House of Assembly and formerly controlled the Executive Arm under Dr. Ngige. Thus, from day one, when Obi was sworn into office, the speaker Mr. Mike Balonwu and his colleagues were issuing veiled threats to remove him. In an interview with the Guardian Newspaper, some members of the Anambra House of Assembly said "so long as Obi continues the programmes of Ngige and is willing to cooperate and work with us" he could stay in office (Guardian 2006).

The PDP dominated House in Akwa, the capital of Anambra state surprised the whole country on Thursday November 2, 2006 when they impeached Governor Peter Obi. The grounds of impeachment notice were said to be that Peter Obi and his Deputy Mrs. Virgy Etiaba, violated their oaths of office and constitutional obligations not to allow personal interests to influence their official conduct and decisions.

The lawmakers alleged that the Governor and his deputy corruptly influenced and caused to be plead, huge sums of money belonging to Anambra State Government in Fidelity Bank Plc, Bank in which they have substantial interest and where the Governor was the immediate past chairman. The lawmakers insist that the Governor and his Deputy put themselves in a position where their personal interests conflicted with their duties and responsibilities contrary to the code of conduct for public officers as stated in the 5<sup>th</sup> schedule, section 1 of the 1999 constitution.

Governor Peter Obi was further accused of corruptly influencing the award of a contract to his kinsman, one Mr. Anthony Akpulu, without due process in the construction of several buildings at the cost of N100 million. Other allegations included the state secretariat complex awarded at the cost of over N500million to Paul Enodom, a business partner of the Governor. Another contract was the construction of the Governor's office complex in Awka, awarded at

the sum of N100 million to his campaign manager and associate, Mr. and I. K. Nwadu, all without due process (Daily Independence 2006).

For the above reasons and pressure from the PDP strongmen in Abuja, the House became divided into pro-and counter-suspension of members and conflicting claims of leadership of Assembly, with 15 at a point said to be in support of impeachment, while 13 were against the impending impeachment. It is therefore, interesting to learn that 21, well-over the required two-thirds of the majority of the members supported the removal of Obi. The question is how did the pro-impeachment members get some of their opposing colleagues to make a U-turn and join the impeachment group?

The pro-impeachment group, who had been hiding in Asaba and from meeting, arrived in Akwa at about 5.am on November 2, 2006 and began sitting accompanied with heavy security provided by Mobile Police Unit. They received the report of a panel of investigation set up to investigate the Governor, deliberated for about an hour, and pronounced Peter Obi removed as Governor of Anambra State.

The Anambra lawmakers had every right to investigate and if found guilty remove Mr. Peter Obi as governor from office. However, the law requires that the follow due process as laid down in section 188 of the 1999 constitution. the faction which impeached Governor Obi did not follow the due process in some areas; first, the decision to impeach Peter Obi was taken outside the House of Assembly. Rather, pro-impeachment lawmakers reportedly met at a hotel in Asaba, Delta state and took the decision. By this action, the House was in breach of sub-section 3 and 4 of section 188 of the 1999 constitution.

### **Rasheed Ladoja's Impeachment**

Oyo State politics is rather complex because of the ease with which violence breaks out. Ibadan the capital of Oyo State the centre of the "Wild, Wild west of the 1960". Thuggery and hooliganism have been part of its political features.

Being the former seat of the progressive government of Obafemi Awolowo, the people's outlook borders on sophistication and occasional struggle in defence of citizenship rights. This explains probably explains the farmers resistance movement of the late 1960s through the early 1970s the popular "Abekoya" crisis. Two broad political tendencies can be observed

1. The pro-any government group and
2. The anti-establishment group

The first group is represented by the likes of Lamidi Adedibu, often times referred to as the strongman of Ibadan politics. Both the military and civilian governments have always courted his favour. He has no apologies for being any government lackey. His strong point is a large fellowship, which arises from his acting as patron to numerous clients. He lives on government and he pride himself in it.

During the 2003 elections, Adedibu was Rasheed Ladoja's godfather. By whatever means, he ensured Ladoja's success. Ladoja, upon winning, was in a hurry to re-claim his freedom. Adedibu felt betrayed on three grounds;

- i. Ladoja was accused of biting the finger that fed him by seeking to bring the Alafin of Oyo who ensured PDP's victory in Oyo town and its suburbs. Adedibu argued that the votes, which Ladoja could not garner in Ibadan, the Alafin gave it to him in Oyo area. How could

- Ladoja have contemplated the re-structuring of the Oyo state council of Chiefs who re-constitution would remove Alafin as the primus inter pares?
- ii. Ladoja was said to have embarrassed the Chairman of the National Union of Road and Transport Workers' (Oyo), Lateef Akinsola (alias Tokyo), who was said to have used his Union position to facilitate the success of the PDP in Ibadan. Ibadan is reputed to be a most populous city. Transport Unions, because of their ability to mobilize people for violence, have always been found to be allies of leading political figures and political parties. The government of Ladoja, in an attempt to restore law and order got Tokyo arrested and detained him on allegations of murder, which he committed during the reign Lam Adesina. Ladoja decided to settle for a factional leader of the transport workers union, Wasiu Abubakar (alias Ola Tawa who was a member of PDP. These factions were constantly at war. Adedibu preferred Tokyo as a leader because he was adjudged to be loyal (Tell Magazine 2006)
  - iii. The South-West Vice Chairman of the PDP, Bode George and the governor of Ogun State, Gbenga Daniel, were reported by the late Pa Emmanuel Alayande to have said Ladoja compounded his own problem (during the now voided impeachment) by his refusal to honour President Obasanjo's invitation on how to resolve the Oyo State crisis.

This last point seems more crucial within the context of the third term agenda and the widespread belief that Ladoja was unenthusiastic about this Adedibu was an open advocate of this plot. To his credit, he organized the two million or so march in favour of the late military dictator, Abacha, in 1998 though the Lam Adesina group challenged him a stand still.

Though Ladoja had the support of many against his impeachment, the anti-Ladoja group had the support of the Federal Government and its agencies. The Nigerian Bar Association and the Press was able to Mobilize in support of Law and Order, they could not save Ladoja. By the time Obasanjo was visiting Ibadan early 2006 to congratulate Alayande on the occasion of his birthday, Alayande had been told point blank to advise Ladoja to resign in order to avoid impeachment by the lawmakers. The immediate past Governor lam Adesina, also told Ladoja to resign. The belief was strong that Ladoja never on the election and that Lam Adesina was people's choice. But Obasanjo's desperation in ousting Ladoja was for a different reason-Ladoja was believed to an Atiku's Loyalist (Aturu 2005:79).

By the time Ladoja was impeached, enough ground had been prepared for potential beneficiaries to celebrate. At the centre of the impeachment however were the thugs, the police and the judiciary. EFCC role was not too visible because allegation of corruption against Ladoja was not substantiated (see Uko 2000:3)

### **Implications on the Nigerian State**

Nigeria's nascent democracy has been somewhat troubled by an increasingly volatile and controversial impeachment of political office holders following various allegations of gross misconduct. In fact, impeachment is now spreading across the land like harmattan fire. The spread of impeachment knows no geographical boundaries; the exercise has assumed one of the most serious challenges of democratic governance in Nigeria. Despite the fact that political office holders are covered by the immunity provisions in Section 305 of the 199 constitution of the Federal Republic of Nigeria, the legislators in Bayelsa, Oyo, Ekiti, Plateau and Anambra states have unwittingly raped the constitution by the abuse of the impeachment provisions in the constitution; it has become an instrument of raw vendetta (see Dauda 2005:122).

There is little doubt, however, that the current gale of impeachment which is generally regarded to be in strict violation of the 1999 constitution have overheated the political system and subsequently hurt the Nigerian economy. It has also created a negative impact on the economy as it gives wrong signals of political instability and volatile social environment to domestic as well as foreign investors. Besides, problem of governance and political uncertainties have many consequences both short-term and long-run that can create enormous problems for domestic policy-making. To enhance growth and sustainable development, the enabling environment must be created. Adedeji (1998) recognizes this point when he aptly notes that an economy where the supremacy of the law is upheld, and where justice, human rights, people's sovereignty empowerment and accountability are enthroned cannot but provide an enabling environment for development, for savings and investment, for capital accumulation, innovation and enterprise against the foregoing background, this chapter attempts to highlight the link between the economy and the polity, between good governance and economic development, the short-term as well as long-term consequences of the gale of impeachment in Nigeria's polity.

#### **Implications on Governance in Nigeria**

On the positive side, the trend of impeachment in the country has revealed how a virile civil society can be adopted for and as a veritable tool for democratic nurturing consolidation.

Generally, civil society is needed to help people freely associate, assist in the construction of democratic and participatory institutions, and can hold government accountable (see Tripp 1994:55-73). This however will depend on the strength of the civil society. As Diamond (1994) conceptualizes it, civil society is that realm of organized social life that is voluntary, self-generating, largely self-supporting, and autonomous from the state, and bound by a legal order or set of shared values. It is an intermediate entity, which stands between the private arena and the state. It includes formal and informal associations, whose interest may be economical, cultural, informational, professional, development, intellectual or civic. As opposed to civic community, it is an all-encompassing movement of popular empowerment and economic change (see Fatton 1995:41:60).

Whereas to Ake(1995) the limit of civil society particularly in African context have been well researched and document, Nigerian civil societies would appear to be fast surmounting the problems. In the wake of the impeachment crisis, civil society organizations (CSOs) seem reanimated and exhibited behavioural characteristics, though not a quintessential of a strong and virile CSOs as described above, it backgrounds, interest, religion and classes stood firmly in defence of democracy. This was particularly so with respect to the impeachment of the States' Governors of the states in the research.

Some examples suffice. The Nigerian Bar Association (NBA), for example, in a statement by its President, Olisa Agbakoba (SAN) described the gale of impeachment as ill-advised and capable of complication Nigeria's pressing problem (see Daily Time 2005). On this ground, the NBA advised the States House of Assembly to follow due process as slated in the constitution before removing any State Governor. In Bayelsa state, some groups under the aegis of the Niger Delta Volunteer Group saw the impeachment of Alameisegha as a threat to democracy to the extent that they troop out in their thousand to demonstrate against it.

The Nigerian labour congress condemned the impeachment based on the fact that it could serve as an open invitation to the military to stage a comeback and threatened democracy (see the Vanguard 2006). The Afenifere and Ohaneze, the Yoruba Igbo socio-cultural organizations respectively also condemned the impeachment as an attempt to subvert democracy.

On the negative, the gale of impeachment portends dire consequences for the survival of democratic governance in Nigeria. It is increasingly accepted that good governance based on democratic principles and values can enhance economic development. The subversion of democratic governance in Ekiti, Oyo, Bayelsa, Plateau and Anambra by using the minority to impeach and subvert the democratic institutions is a clear demonstration of the fact that all is not well in the centre. The Obasanjo administration has clearly demonstrated its inability to establish a predictable framework of law and civil conduct in the public domain, which are conducive to development.

### **Implications on the Economy**

It is obvious that impeachment may not be a leading factor to explain Nigeria's economic woes and lack of systematic development. Equally it offers no explanation as to why the impact of public spending on growth and social welfare has been so disappointingly low in the country overtime. The real causes of Nigeria's economic problem are well-known. But then, increasing incidence of impeachment could conceivably have a negative effect on the economic growth and the development process. This is evident in the slowing down of potential growth of the economy. Available statistics lend credence to this fact. Since 2003, gross domestic product has been on the downward trend. It stood at 9.57% in 2003, fell to 6.58% in 2004 and 6.23% in 2005. Apart from that, the per capital income has been declining. Its yet to be known how much was spent on the impeachment process that had been accomplished by the stakeholders at the local, state and federal levels, not to talk of the involvement of the private sector participation. Against this background, it is important to provide insight into some immediate and long-term costs of impeachment in the Nigerian polity.

One of the devastating consequences of impeachment that can undermine economic progress is social and political unrest. In the process of all these recent acts of impeachment, social political institutions area being weakened; the judiciary is being weakened. Several days were lost by private businesses owing to mayhem that usually erupted during the period of impeachment. Shops were closed; workers stayed at home to avoid the wrath of political thugs.

The Governors under perceived or real threat of impeachment were being preoccupied by the need for survival rather than the need for governance. There was also social unrest in those states in which impeachment was carried out. Most invariably, there were enormous losses in terms of property, lives and, particularly, government equipment. Civil servant man-hour, legislators' man-hour governors' man-hour were wasted pursuing political vendetta. Those were man-hours that would have gone into good governance. These were serious economic losses to the nation. Besides the whole situation portrayed economic instabilities, lawlessness and social unrest.

Apart from this, when a governor is impeached, the incoming governor may not have the same vision like his predecessor or may out rightly not like his programme. This leads to abandonment of projects, which the impeached governor embarked upon. All these bring about state of stagnation in the state that is affected. In such a situation, no meaningful

development can take place. Sustainable development is attained only when a society pursues developmental goals of meeting the yearnings and aspirations of the people using its human and material resources efficiently through dogged commitment and effective implementation of regulations and guidelines in development plans.

### **Implications on the Image of the Country**

The gale impeachment is also capable of having negative impact of the country's image whose impact again falls back on the economy as it will give wrong signals of inability and volatile socio-political environment to the international community. This will in turn frustrate efforts to attract foreign investment. As Adebayo (2005) puts it "the cloud of impeachment had grave implications for our economy and international image, for it portrayed the country as politically unstable. In that circumstance, investors cannot be driven away". Similarly, Scot (1997) aptly points out that a foreign investor is not a philanthropist; he is a businessman with a responsibility to his shareholders to obtain the best returns on any investment on their behalf.

He will therefore, look for certain factors to enable him to make his investment decisions. The world favours the country with the most congenial overall enabling environment in both the social and business sense. According to Dauda (2006:10), experience in some other regions of the world has shown that investors choose countries with stable political and economic environment and where the market has good potential for profit to be realized. A stable political situation will result in in-flow of foreign direct investments. As doing business in Nigeria is put in doubt. We suspect that the British authorities became jittery whilst Alamieyesiegha was in its custody because of the agitation it triggered off in the Ijaw oil bearing areas of the Niger Delta. The belief in some quarters was that the British authorities deliberately let off the embattled Governor so that the oil installations would now be saved from further terrorist attack. My contention the research is that frequent impeachment without following the due process gives the impression of the political instability which may not be conducive to economic development.

### **Conclusion, Recommendations and Implementation Strategies**

#### **Conclusion**

The study succeeded in x-raying the role of impeachment on democratic consolidation in Nigeria's Fourth Republic on the basis of Executive-legislative relations. Attempt has been made to reflect on the spate of impeachment across five states of the federation; Bayelsa, Oyo, Ekiti, Plateau and Anambra State. Our analysis have shown that beyond the rhetoric of alleged gross misconduct and constitutional breaches, impeachment in the Nigeria's Fourth Republic have more than meet the eyes. Forces such as the hovering influence of prolonged authoritarian rule under the military, constitutional limitations, pervasiveness of party discipline; monetary and ethno-religious considerations, among others, were found to be central to the crisis. Simply put, the trivialization, commercialization and the striving of the impeachment power or clause is responsible for the mess. Consequently, the pervasion of a supposed instrument of control to an instrument of political vexation and vendetta; made the spate of impeachment have grave implications for the entire country. at least, the impeachment have shore up mutual suspicions and distrust among the various groups and interest that made up the states affected and the country at large. Thus, exacerbating the

already complicated problem of national cohesions, integration and development (see Omotola 2003 and 2004). It has also taken heavy tolls on the democratization process.

In spite of the above shortcomings identified in the impeachment process. A critical look at impeachment as a concept shows it to be a promoter of good governance. "Impeach" means to charge a public officer with a serious crime. Impeachment, on the other hand, means a public officer has been found guilty (as charged) of committing serious crimes against the state. In the case of Nigeria, our impostorial democratic practices area caused us to change the concept of impeachment to mean what we want it to mean. According to Ogunsanwo (2006), impeachment in the Nigerian context means a successful removal from office of an elected deputy governor, governor, vice president or president.

From the Nigerian perspective therefore, if Joshua Dariye, the ex-governor of Plateau State is found to have looted \$8m from the treasury, he deserves to be impeached (removed).

If Alamiyeseigha, the removed Governor of Bayelsa State should shamelessly metamorphosed to a woman and jumped bail in London after been found with looted Nigerian money, he should be impeached several times over. Impeachment after all, is not a negative phenomenon. Simply put, it should promote good governance. If properly used, it is capable of wrenching the Nigerian nation from the clutches of pathologically corrupt politicians and promoting both democratic and national development.

Looking at the Nigeria political process since 1999 to date, it seems that some of the governors have betrayed their oaths of office by embezzlement of public fund, money laundering, thuggery and perpetuation of violence against their state's citizens. The activities of some of the Governors have brought shame to Nigeria.

### **Recommendations and Implementations Strategies**

Given the above context, urgent steps must be taken to checkmate the ugly trend of impeachment if the nascent democracy must be nurtured to maturity. In the light of the findings of the study, the following are recommended:

**Recommendation:** The necessity for transforming the Nigerian state and society from its clientele and prebendal character to a more productive entity that will empower its citizenry to a level self-sustenance.

**Implementation Strategy:** The central focus of the transformation should be on the character of the state, which in its present form or status lacks autonomy and overbearing and all-encompassing as to be able to dominate the entire share of the society. It requires that the centre be decongested of its overbearing influence on the power and resources. This will help to reduce the unhealthy competition to capture power at all means.

The society should as a matter of urgency, be demilitarized by opening up the democratic space for more qualitative participation, popular empowerment, and capacity expansion for individuals and groups through good governance.

**Recommendations:** Cordial Executive-Legislative relations should be maintained. Specifically, the Executive and Legislative arms of government must begin to appreciate the fact that the totalizing vision of water-tight separation of power is inherently contradictory and destructive.

**Implementation Strategy:** What is then required is to establish a balance such that both organs operate in a manner that is coordinate and harmonious without necessarily jeopardizing the autonomy of each organ. This because the effectiveness of each organ cannot only be

measured by the degree to which it discharges its statutory functions, but also by the level of interrelationship with each other to ensure a smooth system of check balances.

**Recommendation:** There is the need to begin to encourage and promote research on legislative studies, having being the organ that suffered most neglect under successive military regimes.

**Implementation strategy:** This can be complemented by the establishment of at centre for Legislative Relationship (CELR) at the Federal, State and Local Levels, whose responsibility would be the promotion and organization of lecturers, symposia, seminar for both organs. It should also be centre, when established should draw members from the academia, civil society groups and the mass media.

The other recommendations of this study includes;

- i. The constitution should be amended on the issue of what constitute 2/3 majority of all members as well as what constitute gross misconduct. These are two major issues of controversy that have caused a great deal of confusion amongst law makers and the general public.
- ii. The power of the EFCC must be subject to the constitution. For example, the EFCC has the power investigation and arrest but must not detain any person for more than 24 hours before charging to court.
- iii. The principle separation of powers between the states and Federal Government must be maintained. The Federal Government agencies like the EFCC, the Bureau must not be used by the Federal Government to harass state governors to the point of eroding the separation of power principle.
- iv. Finally, the principal actors in the ongoing democratization process in Nigeria must cultivate the spirit of tolerance in their relationship with one another. This requires the development of a democratic political culture, main-set and citizenship. This will help to appreciate whatever difference that may exist and by so doing develop abiding patriotism in the system. This may in turn enable them to place general interest above selfish interests. If these are sustained overtime, they may become the basis for nurturing and consolidating executive-legislative relations, and by extension the democratization process in Nigeria.

#### References

- Ake, C.(1995). "Democratization in Africa". CASS Occasional Monograph Series,\_No. 1. 1994
- Chete L. N. & Roberts, F.O.N (1996). "Governance and the Economy: Review of Concepts and Perspectives on Nigerian Economy". Selected papers of the 1996 Annual Conference, The Nigerian Economic Society, Ibadan, pp. 473-490.
- Diamond, L. (2004). "Consolidation Democracy" The Americas Annuals,\_No. 550 March, 2004.
- Diamond L. (1994). "Rethinking Civil Society: Towards Democratic Consolidation", Journal of Democracy,\_5(3), 1994
- Fatton D. (1995). "Civil Society and Political theory", Nigerian Journal of International Affairs 26(2) 2002, pp. 41-60.



- Ikubaji, J, (2000). "Impeachment in Whose Interest" CDC News, Quarterly Journal of Vol. (2), p 26 The Center for Democracy and Development, October-December 2000.
- Hirschman, A.O (1958).The Strategy of Economic Development, New Haven and London, Yale University Press.
- Ologbenla, D.K. (1997). "The Law of Impeachment and its Implications for Democracy in Nigeria" in Olurode, L, Impeachment and the Rule of Law: The Future of Democracy in Nigeria, Lagos, Irede Printer.
- Oyebode, A. (2007). "Foreword" in Olurode, L. Impeachment and the Rule of Law: The Future of Democracy in Nigeria, Lagos Irede Printers.
- Ologbela D.K. (2006). The Law of Impeachment and its Implications for Democracy in Nigeria in Olurode L. (2006) Impeachment and the rule of Law: The future of Democracy in Nigeria Irede Printers, Lagos State.
- Omotola, J.S (2007). Impeachment Threats and Nigeria's Democracy in Ojo, O.E. (2007) Challenges of Sustainable Democracy in Nigeria, Ibadan, John Achievers Pub. Ltd.
- Oyebode, A. (2007). "Forward" in Olurode, L. "Ed." 2007 Impeachment and Rule of Law: The Future of Democracy in Nigeria, Lagos Irede Printer Ltd.
- Sergeant, L.T (1975). Contemporary Political Ideologies. The Dorsey Press, Homeward Illinois.
- Shafritz, J.M. (1998). The Dorsey Dictionary of American Government and Politics (Chicago: The Dorsey Press
- Stern, N. (2002). A Strategy for Development. In: Annual World Bank Conference in Development Economic. The World Bank Oxford University Press; pp.11-16:35
- Tripp L. (1994). "Seeking Development in Africa: The global Coalition for Africa and the Challenges of Policy Reforms" Nordic Journal of African Studies, 8(2), 1999, pp.55-72
- Ogunsanwo, A. (2006). Speaking Notes: the Removal of Elected Public Officials from office and matters. A Paper Presented at a Workshop organized by the Faculty of Social Sciences Unilag, 14<sup>th</sup> November 2006
- The Constitution of the United States of America 1787.
- The Constitution of the Federal Republic of Nigeria 1999.
- Daily Independence 12, October 2006.
- Newswatch, 24 October, 2005.
- Tell Magazine, 14 March 2006, p12.