

**A LEGAL APPRAISAL OF EMERGENCY RULE IN
NIGERIA AND SOUTH AFRICA: A COMPARATIVE APPROACH***

Abstract

This article is intended to succinctly consider in a comparative manner, emergency rule in Nigeria and South Africa. Emergency rule is a period that is usually temporal in a nation where extraordinary measures are put in place to handle urgent, unexpected and unprovided for situation or circumstance that may have devastating and life and property threatening effects in a nation or a part of it. The paper shall also consider how these situations were handled here in Nigeria for the periods they have occurred or declared and the situation in South Africa compared with Nigeria and appropriate lessons drawn from them. It is the findings of this paper among others that, state of emergencies so far declared in both nations have some inadequacies, needlessness and even some complaints of lawlessness in them. Some were particularly criticized in Nigeria as being politically motivated and inordinately handled. The South African situation seems better and more orderly and well intended. The paper recommends that declaration of emergency rules must be used sparingly and in deserving situations that actually require their declarations, considering the fact that, when declared some suspensions or restrictions of some human rights and laws which usually accompany them, lead to abuses of human rights and very high uncertainties to handle in terms of the sudden need of resources; both human and material that are usually unavailable or inadequate. Government at all levels must at all times ensure that actions and policies are put in place to prevent the occurrence of emergency situations for prevention is usually better than the search for solutions.

Keywords: Emergency Rule, Nigeria, South Africa, Comparison

1. Introduction

History has shown that in the existence of nations, societies, states and organizations, situations and circumstances usually occur that are so urgent, devastating and extraordinary that special measures are needed to end or reduce or control their continuation or effects, which are in most cases, life threatening and even deadly¹. Both Nigeria and South Africa as nations have experienced such situations and circumstances real or manmade that may however vary in magnitude, frequencies and they attract different responses respectively. Emergency situations necessarily attract special measures, such as an increase in the powers and use of the law enforcement agencies including the army is very serious situations usually because of civil disorder or because of man-made or natural disasters. In Nigeria, the Federal government has the powers under the Constitution of the Federal Republic of Nigeria 1999 (CFRN) (as amended)² to declare a state of emergency under deserving circumstances³. In South Africa it is the Constitution and the Law that regulate emergency declarations, that is, the Constitution of South Africa and the State of Emergency Act⁴. These Laws are meant to give the government powers to put in place extraordinary measures and actions that are not common to avert calamitous effects from unexpected human activities or even natural disasters called emergencies. This paper shall consider the history of emergency rules in Nigeria and South Africa, the adequacies or otherwise of the ones declared in both nations and their acceptability or otherwise. Conclusions shall be drawn and necessary recommendations made to that effect.

2. Clarification of Key Terms

Emergency

Emergency is a very serious unexpected and usually dangerous situation calling for urgent and spontaneous response. An emergency is an urgent, sudden and serious event or an unforeseen change in circumstance that needs immediate action to remedy⁵. It includes situation that are harmful and with imminent danger to life,

*By **O. I. USANG, LLB (Hons), BL, LLM**, Lecturer, Department of Commercial and Property Law, Nnamdi Azikiwe University, Awka. Phone: 08030874935, 09039497916, E-mail oiusang@unizik.edu.ng, Usangikpiobongha@gmail.com, and

***Ogechukwu J. ENEMUOH, LLB, BL**, Lecturer, Department of Estate Management and Valuation, Federal Polytechnic, Oko, Anambra State. Phone: 08135128837, 08029190292. E-mail: stagustinehospitaloko@gmail.com.

¹These situations may include; wars, pandemics, terrorist attacks, blizzards, fire out breaks, civil unrest leading to breakdown of law and order, and threats to a nation's sovereignty in extreme situations.

² See CFRN 1999 (as amended) s.305 (1) (2)

³ For instance, war, national disaster etc

⁴ See *Constitution of the Republic of South Africa* 1996, ss 37 and the *State of Emergency Act* 1997, ss 1, 2, 3, etc.

⁵Definition from *Oxford Language Dictionaries* at< <https://www.oxfordilanguagedictionary.com>> accessed 26th December, 2021.

health or⁶ property that require extraordinary measures for immediate avertment. It is an exigency⁷. Emergency can also be defined as a sudden, serious and dangerous event or situation which needs immediate action to deal with. Black's Law dictionary⁸ defines emergency as a situation requiring immediate attention and remedial action. It involves large scale injury, loss of life, damage to the property or catastrophes interference with the normal activities. It is also a sudden, unexpected or impending dangerous situation that will disrupt normal living or existence of people and even conduct of government.

Power

Power can be defined as the ability or capacity to do something or act in a particular way. It is the capacity or ability to direct or influence the behavior of others or the course of events. It is also the possession of control, authority or influence over others. Power is authority, command, control, dominion, jurisdiction and sway.⁹ Being power is having the freedom to control lives and destinies. The nature of powers includes; coercion, authority and influence. The sources of power include; legitimacy, reward, expert, referent and coercion¹⁰. Power is an authority to do some act in relation to a situation or consideration; ability to lawfully take decisions that others shall willingly obey or be affected by. Therefore emergency powers are powers the president has during a state of emergency to make emergency regulations necessary or expedient to restore peace and order and end the emergency situation. These regulations can to some limited extent violate the Bill of Right¹¹. These powers can be exercised nationally or at state level, on health, economic, environment or financially¹². Emergency powers are extraordinary powers invoked as a means of resolving crises or protecting a political regime. It is a measure, technique used by government to prevent, mitigate and terminate crises.

3. Types of Emergencies

There are majorly three (3) types of emergencies. They are; natural, technological and human emergencies.

Natural emergencies: They are natural disasters that are highly harmful on the society or community where they occur and include the following hazards such as, flooding, drought, earthquake, tropical cyclone, lightning, tsunamis, volcanic activities and wild fires.

Technological emergencies: They arise from one or more technical features, technical problems or unanticipated situations with high technological contents. Technical emergencies are quite different from political emergencies, financial emergencies and climatological emergency by their technological contents¹³.

Human emergency: It is usually termed humanitarian emergency. It is an incident or series of incidences that carries serious threat to human health, safety, security and wellbeing of a society or a nation and other large group of people usually covering a large range of area. They include armed conflicts, industrial accidents, disasters, epidemic and pandemics¹⁴.

In most underdeveloped nations including African nations, such as Nigeria and South Africa, what are usually known or seen as emergency situations are political crises and insecurity resulting in armed conflicts. All other emergency situations especially those without political concerns are not or can hardly be recognized or treated as real emergency situations in these nations especially in Nigeria.

4. Emergency Rule in Nigeria

It has been argued that emergency rule started in Nigeria with the British colonial administration which did not take into consideration the existing diverse political cultures, language or social organization of the indigenous people in their rush to take control of the people as can be seen in their proclaimed orders-in-council that gave the British commissioners the audacity to promulgate ordinances for the administration of justice, revenue generation and generally for the peace, good order and good government of all persons in the colony¹⁵. Section 305 of the Constitution of the Federal Republic of Nigeria provides;

⁶ *Ibid*

⁷ A.S Horn- by *Oxford Advance Learners Dictionary* (6th ed 1987) P.378

⁸ See B.A. Garner, *Black's Law Dictionary* (9th ed St. Paul, MN: West, 2009) at <<https://www.adamsmarmot.org>> accessed 26th December, 2021

⁹ Definitions from *Oxford Languages Dictionary op.cit*

¹⁰ *Ibid*

¹¹ See CFRN (as amended) S.305 and *State of Emergency Act* of South Africa

¹² See *Oxford Language Dictionary op.cit*.

¹³ See Rick Brenner, 'Meaning of Technical Emergency Teams' at <https://chacocanyon.com> accessed 18th August, 2023. See also *Nigeria National Disaster Framework* at <https://www.preventionweb.net> accessed 28th August, 2023.

¹⁴ *Ibid* see also *National Action Disaster Action Plan*, at <https://www.prevention.net> accessed 28th August, 2023

¹⁵ See Uchenna Simeon 'De constructing the Doctrine of State of Emergency in Nigeria': 'A human security perspective' in *Covenant University Journal of Politics and International Affairs* Vol.6 No 1, June, 2018, P45

S. 305(1) Subject to the provisions of this Constitution the President, may by the instrument published in the official gazette of government of the federation issue a proclamation of a state of emergency in the federation or any part thereof.

(2) The President shall immediately after the publication, transmit copies of the official gazette of the government of the federation containing the proclamation including the details of the emergency to the President of the Senate and the Speaker of the House of Representatives, each of whom shall forthwith convene or arrange for a meeting of the house which he is president or speaker as the case may be to consider the situation and decide whether or not to pass a resolution approving the proclamation.

(3)The President shall have powers to issue a proclamation of a state of emergency when:

- a. The federation is at war
- b. The federation is in imminent danger of invasion or involvement in a state of war.
- c. There is actual breakdown of public order and public safety in the federation or any part thereof to such extent as to require extraordinary measures to restore peace and security.
- d. There is a clear and present danger of actual breakdown of public order and public safety in federation or any part thereof requiring extraordinary measures to avert such danger.
- e. There is an occurrence or imminent danger or the occurrence of any disaster or natural calamity affecting the community or a section of the community in the federation.
- f. There is any other public danger which clearly constitute a threat to the existence of the federation or
- g. The President receives a request to do so in accordance with the provisions of Sub-Section 4 of this section.

Subsection 4 of Section 305 of the Constitution provides that the Governor of a state, may with the sanction of a resolution of the State House of Assembly supported by two third majority, request the President to issue a proclamation of a state of emergency in the state where there is in existence within the state any of the situations specified in sub sections (3) (c)(d) & (e) of the section and such situation does not extend beyond the state boundaries¹⁶. A proclamation issued by the President shall cease to have effect if revoked by the President by instrument published in the official gazette of the Federation, within two days when the National Assembly is in session or within ten days if the National Assembly is not in session and there is no resolution supported by two third majority of all the members of each House of the National Assembly or after a period of six months has elapsed since it has been in force and the National Assembly can extend the period before the expiration of the six months by a resolution passed in like manner or at any time alter the approval or allow the extension when each house of the National Assembly revokes the proclamation by a simple majority of all the members of each House¹⁷. On attaining her independence in 1960, all the Constitutions made for Nigeria contain provisions for the exercise of emergency powers¹⁸. The first state of emergency was declared in Nigeria in 1960 by the then Prime Minister of Nigeria, Tafawa Belawa on grounds of lack of constituted government in Western Nigeria and the need to maintain peace, order and tranquility throughout all the parts of the federation in the face of political disorder and the crises in the Action Group (AG)¹⁹. Another state of emergency was declared by the former head of state General Yakubu Gowon on May 27, 1967 to control the ethnic tension in Nigeria after the counter Coup of July, 27, 1966 that caused the assassination of the then head of state and supreme commander, General Aguiyi Ironsi, the Military Administrator of Western Region, Brigadier General Adekunle Fajuyi and many others. It was declared in four regions of Nigeria²⁰. After a long time and in May 18, 2004 a state of emergency was once again declared in Plateau State over the unrest between Muslims and Christians in the State that started in September 2001 and had claimed over 2000 lives. The then President, Chief Olusegun Obasanjo declared a state of emergency in the state suspending the Governor and the State House of Assembly²¹. Again in October, 2006, the same former President Olusegun Obasanjo declared a state of emergency in Ekiti State over the squabbles between the executive arm of government and the State House of

¹⁶The President shall not issue a proclamation of a state of emergency in any case to which the provisions of sub-section (4) apply unless the Governor of the state fails to, with a reasonable time to make a request to the President to issue such a proclamation.

¹⁷See *CFRN* 1999 (as amended) s. 305(1), (2) (3)(a-g), 4,5 &6 (a-d)

¹⁸ *Ibid*

¹⁹It was declared under the *Emergency Powers Act of 1961* as a fallout of this several Emergency Power Regulations promulgated by the Governor General including; *Emergency Powers (General) Regulations 1962* (LN.No 54 of 1926); *the Emergency Powers (Detention of persons) Regulation 1962* (LN N064 of 1962); and the *Emergency Powers (Restriction of Orders) Regulations 1962* (LN N065 of 1962) See *Uchenna Simeon op cit p.45*.

²⁰Mojeed Olujinmi A. Alobi, 'Emergency Powers in Nigeria': *Legal and Constitutional issues in the Constitution*, Vol.5 No 4, December, 2005 and see also Uchenna Simeon *op cit P.46*.

²¹ *Ibid* one Major General Chris Alli (Rtd) was appointed to administer the state

Assembly²². In December 31, 2011 former President Goodluck Jonathan declared a state of emergency in 15 Local Government Areas of four North-Eastern States²³ following persistent killings and destruction of property in that part of the states by Boko Haram. Goodluck Jonathan also declared a state of emergency in the North-Eastern states of Adamawa, Borno and Yobe due to the invasion and occupation of those states by Boko Haram²⁴.

It is not in doubt or controversy that the President of the Federal Republic of Nigeria has the constitutional powers to declare a state of emergency either in the whole federation or any part thereof where the federation is at war, it is in imminent danger of invasion or it is involved in a state of war, actual breakdown of public order and public safety in the federation or any part thereof to such extent as to require extraordinary measures to restore peace and security, occurrence of any imminent danger or a section of it in the federation, if any of the above situations exist in any part thereof or there is public danger which clearly constitutes a threat or natural calamity affecting the community or to the existence of the federation or the President receives a request to do in accordance with the provisions of the Constitution²⁵. However the issues here are not whether the President has such powers or not but on the mode, purpose, process and procedure and the extent at which this power can be exercised by the President. State of emergency is seen in some quarters as a state of matters demanding a drastic measure to control necessitating the derogation of some constitutional principles temporarily²⁶. The situation must be temporary, precarious and justifying the suspension of some principles of good governance and human rights in order to save lives and property and the sovereignty of the nation²⁷. Conceded that state of emergency varies from one jurisdiction to another, there exist some internationally recognized rules that must be adhered to in the exercise of this abnormal powers whose exercise is likely to deny and even infringe on the rights of the people, Which include the rules of emergency and necessity and for the overall interest of the nation or a part thereof²⁸.

The discretionary powers by the President to declare a state of emergency are however not without limits. The conditions under which he can do so are specifically provided for in the Constitution. The National Assembly also has a role to play after the proclamation of the state of emergency and its publication in the federal gazette. It has the constitutional duty to approve the proclamation by a two third majority of all members of each House of the National Assembly²⁹. Analysts have argued that, the Presidents of Nigeria have since 1962 till date been rather selective in the proclamation of state of emergencies in Nigeria. That is, that, there have been serious issues of insecurity, killings and destruction of property that deserve the proclamation of state of emergencies but none was declared, while in situations where the law has made adequate provisions to take care of, were declared as state of emergencies³⁰. Ordinary disagreements between two arms of government; the executive and the legislature have caused the declaration of a state of emergency in Nigeria while the killing of innocent and armless citizens in the middle belt region of Nigeria by suspected Fulani Herdsmen attracted no such declaration of a state of emergency³¹. In the vain, Nigeria has experienced very serious economic, insecurity, health challenges and pandemics that ought to attract the declaration of state of emergency in those areas where they occurred but none was declared as the government seems to understand emergency as political issues only³². Also, the declaration of state of emergency in Plateau and Ekiti states have been criticised for being Political witch hunt against political enemies, real or perceived. It is argued that the targets were against the State Chief Executives who were not loyal to the President at that time. The National Assembly hurriedly approved both Proclamations base on political interests and motives.

The Constitution of the federal Republic of Nigeria or any other law failed to make provisions as to what would happen to elected officers of the federation or any part thereof in case a state of emergency is declared therein. Be that as it may, it is obvious that nobody or authority or institution has the powers to remove a duly elected Governor or members of a legislature of a state or any part of the federation. That being so, the president or the

²² *Ibid*

²³ The states are: Borno, Niger, and Yobe. See Uchenna Simeon *op.cit*.

²⁴ The emergency rule was extended for a further six months after the expiration the earlier six months declared at first instance.

²⁵ See *CFRN (as amended) S.305 (1) (2) (3) (4)*

²⁶ See Uchenna Simeon *op.cit* p. 48 and Majeed Olujinmi A. Alabi *op cit* p.2

²⁷ *Ibid* and see also *CFRN (as amended) S.305*

²⁸ *Ibid*

²⁹ See *CFRN (as amended) S.305 (6) (a-d)*

³⁰ See Uchenna, Simeon *op.cit* and Majeed Olujinmi A. Alabi *op. cit*

³¹ *Ibid*

³² The state of emergencies declared in Plateau and Ekiti State were said to be politically motivated.

National Assembly has no powers to suspend or remove any elected officer from office³³. It has also been argued that in most of the state of emergencies declared in Nigeria, the situations do not warrant such extraordinary measures to control or stem the situations. That the war was President's discretions were not properly exercised and are made on the wrong motives. The discretion of the president in this regard can only be questioned by judicial review which can only review the process and procedure through which the proclamation was made and not the motive or righteousness of the proclamation³⁴. The issue of whether or not the circumstances in the nation or any parts thereof amount to a state of emergency is outside the jurisdiction of the courts³⁵. The Constitution makers never intended that chief Executives of a State and the Houses of Assembly should be suspended because if the President has to declare a state of emergency in the whole federation he is not expected to suspend himself and the National Assembly and also if what was done in Plateau and Ekiti States were the law, then Governors would never inform the president that a state of emergency exist in their states even when one existed to avoid being removed from office if one is declared.

5. Emergency Rule in South Africa

Nigeria and every other African country that has gone through colonial rule like South Africa have also been ruled³⁶ through emergency laws³⁷. The Constitution of the Republic of South Africa³⁸ provided for the powers of the President to declare a state of emergency in deserving circumstances. The state of emergency Act³⁹ of South Africa has provisions on the process and procedure on the declaration of state of emergency.

Section 37 of the *Constitution of the Republic of South Africa, 1996*, provides;

37. A state of emergency may be declared only in terms of an Act of Parliament and only when
(a) the life of the nation is threatened by war, invasion, general insurrection, disorder, natural disaster or other public emergency; and (b) the declaration is necessary to restore peace and order.

The Emergency Act of South Africa provides thus;

1(a) Subject to the provisions of Section 37 of the Constitution of the Republic of South Africa 1996 (Act No 108 of 1996) the President may by proclamation in the Gazette declare a state of emergency in the Republic or in any area within the Republic.

(2). The reason for the declaration of the state of emergency shall be stated briefly in the proclamation.

(3). The President may at any time withdraw the proclamation by like proclamation in the gazette.

2. (1) (a) The President may, in respect of the Republic or of any area in which the state of emergency has been declared and for as long as the proclamation declaring the state of emergency remains in force, by proclamation in the Gazette make such regulations as are necessary or expedient to restore peace and order and to make adequate provision for terminating the state of emergency or to deal with any circumstances which have arisen or are likely to arise as a result of the state of emergency.

(b) In addition to the publication in the Gazette, the President shall cause the contents of the regulations to be made known to the public by appropriate means.

Certain regulations and checks are put in place by the Emergency Act to ensure that the objectives or aims of such declaration or proclamation are achieved without unnecessarily derogating from the law itself or on the human rights of the people. This include, the empowerment of such persons or bodies as may be specified and to make such orders rules and bye-laws for any of the purposes for which the President is authorized by the law

³³It is only the State House of Assembly that has the power to remove an elected governor from office and the House of Assembly members can only be remove from office by recall by members of their constituencies or suspended by fellow members of the House under certain grounds. See *CFRN (as amended)*. And when it becomes obvious that a State House of Assembly cannot sit to conduct its business it is the National Assembly that should take over such a House.

³⁴*Ibid* and see the cases of *Governor of Oyo State &ors v. Folayan* (1995) All NLR P.173, *Chief of Constable of North Wales Police V. Evance* (1982) 1 WIR p. 1158 cited in Mojeed Olujinmi A Alabi *op. cit*.

³⁵ See the case of *Willians V. Majekodunm* cited in Mojeed Olujinmi A. Alabi *op. cit*.

³⁶Two European countries colonized South Africa is the Netherlands from 1652-1 759 and 1803 -1806 and Great Britain from 1795-1803 and 1806-1961. Although South Africa became a Union under its own white people government in 1910 the nation was still regarded as a colony of Britain till 1961 when it had political independence under an apartheid regime. See <<https://www.scielo.org.za>> accessed 28th December, 2021.

³⁷The colonial masters on arrival in South Africa suspended the cultures, rules of government, laws etc to enable them to impose their regimes of laws and government on the people. This has been argued to amount to emergency rule

³⁸ See the *Constitution of the Republic of South Africa 1996*, s.37.

³⁹ See the *State of Emergency Act, 1997*, ss.1,2,3 &4

to make regulations, and to prescribe penalties for any contravention of or failure to comply with the provisions and no provisions of the Act shall authorize the making of any regulation which are inconsistent with the Act or Section 37 of the Constitution of South Africa⁴⁰. The South African parliament is also empowered by the Act to approve and supervise the proclamation and operations of the state of emergency. A copy of the proclamation shall be laid before the parliament by the President as soon as any regulation or order or rule or by law are made in pursuant of any such declaration and the parliament has powers to disapprove of any such regulation, order, rule or bye-law or any provision thereof. To end a state of emergency declared, a proclamation of the President is also required to that effect⁴¹. In South Africa, the first state of emergency was declared on 20 July 1985 at the beginning covering only the Eastern Cape and Pretoria-Witwater-vall (PWV) area and later extended to West Cape. This was meant to control and end violent demonstrations, resistance and escalating insurgence from all borders in South Africa over apartheid rule and bad governances. A lot of people were arrested and detained and people's privacy invaded by state actors. The President of South Africa was ruling by decree to increase the powers of the law enforcement agents and to reduce press freedom and by extension the reporting of the political unrest⁴². In 1988 the second state of emergency was declared in South Africa, and unlike that of 1985, that was in some parts⁴³ of the country, it was declared nationwide over political unrest. This time the press was totally restricted from covering the unrest Pressure and civil society organization were also not given the needed freedom to operate though more of such groups were gathering increasing recognition, spread and more membership. The government was criticized that the force and weaponry used during the state of emergencies and its declaration were measures only needed and used when a nation is at war, invasion, general insurrection, disorder, natural disaster and when the welfare of the nation is threaten necessary to restore peace and order⁴⁴. The two periods of emergency rule in South Africa were characterized by harassment of protesting civil population. Their meetings were frequently disrupted by heckers who booed and hissed to discourage the gatherings⁴⁵.

6. A Comparative Analysis of Nigeria and South Africa

Being African countries, Nigeria and South Africa share a lot in common including governmental response to issues of emergency though the reasons for the proclamation of state of emergencies in both countries differ; the controversies and issues they raised are very similar. The people in both nations have always in most cases not seen good reasons for such emergency proclamations⁴⁶. In both cases there are abuses of human rights and, allegations of needlessness for such proclamations that however differ. Both nations, it is argued, have used the proclamation of state of emergencies as political tool to suppress and oppress their real and perceived enemies or political situations that are not favourable to them and their personal gains. While Nigeria has experienced more proclamations of state of emergencies, South Africa has had it only twice. However there are recent ones declared on the power sector and flooding. Those of Nigeria were not against freedom agitators as it is the case in South Africa but against political disagreement and insurgencies, suspected herdsmen attacks and inter-governmental disagreements⁴⁷. In South Africa, apart from the Constitution, they have a State of Emergency Act regulating the process and procedure for the declaration of state of emergency while in Nigeria; it is only the Constitution that regulates the declaration of state of emergency⁴⁸. However, there seem to be some regulations such as Emergency Powers Regulations 1962, Emergency Power (detention of persons) Regulation 1962 and Emergency Powers (Restriction of Orders) Regulation 1962 that the colonial masters promulgated in Nigeria immediately after independence but before Nigeria became a Republic. Like Nigeria, South Africa has similar situations and circumstances that can cause the declaration of a state of emergency than South Africa. South Africa can only have a state of emergency declared when the life of the nation is threatened by war, invasion, general insurrection, disorder, natural disaster or other public emergency. In Nigeria a state of emergency can also be declared on the request of a State Governor⁴⁹. This is not obtainable in South Africa as it is only the President that enjoys the whole powers of proclamation of state of emergency. In both South Africa and Nigeria,

⁴⁰See *Constitution of the Republic of South Africa* 1996 s.37 and the South African Emergency Act 1997 s.2 (a), (b), 3(a) (b) (1), (II) & (III).

⁴¹See the *South African Emergency Act* 1997 ss 3(1) (2), 4 1(a)(b) (I)&(II) & (c)(2).

⁴²See commemorating the end of Conscription campaign at <https://www.saha.org.za> accessed 28th December, 2021.

⁴³The 1985 State of Emergency was declared in Eastern Cape and the Pretoria-wit waters rand-val (pw) vall and later extended to western cape

⁴⁴ See <https://www.saha.org.za> accessed 28 December,2021

⁴⁵ *Ibid*

⁴⁶ See Uchenna Simeon *op. cit* and MojeedOlujinmi A. Alabi *op. cit*.

⁴⁷Disagreement between the Governor of Plateau state, that of Ekiti State and their respective Houses of Assembly have caused declaration of State of Emergency in both State

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⁴⁹ *Ibid* sub section (4)

state of emergency can be declared in the whole nation or any part thereof. Unlike in Nigeria where the president shall seek the permission of parliament to terminate a declared state of emergency in South Africa, it is the President that exercises the powers without the approval of parliament. However, the South African parliament can on its own decision end a state of emergency proclaimed by the President.

7. Conclusion and Recommendations

Most governments in Africa are good at abusing powers delegated or given to them by law. They are also good at abusing their own citizens' human rights at the slightest opportunities. Even laws made for the wellbeing and welfare of the people including state of emergency laws are rather used against them. The powers to declare a state of emergency as prescribed by law are adhered to more in breach than in compliance by the various governments. The legislature is expected to act as watch dogs in favour of the people are rather ready tools in the hands of the executive in perpetrating lawlessness on the people in the name of proclamation of state of emergency. We therefore recommend that stronger regulations and control be put in place in checking the excesses of the executive and legislature in the application of laws particularly when proclaiming state of emergency. More judiciary boldness and activism should be applied and encouraged so that such actions of government can also be declared a nullity when adjudicated upon whether on procedure grounds or motives. Each state of emergencies proclaimed should at the end of their existence be subjected to parliamentary or judicial scrutiny to assess the impact it had on the society particularly the citizens' fundamental rights and necessary recommendations spelled out for handling future emergency situations to avoid a repeat of the mistakes of the past.