

The Politics of Emergency Rule in North-Eastern Nigeria (2013-2014)

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Résumé

Au cours de ces dernières années, le Nigéria a été confronté à une rébellion armée dans les trois Etats du nord-Est, Adamawa, Borno et Yobe. Le 14 mai 2013, le gouvernement avait déclaré un état d'urgence dans ces trois Etats et rapidement pris des mesures pour faire face à la situation. Depuis lors, de nombreux discours et commentaires publics ont été entendus sur l'état d'urgence au Nigéria. A partir d'une approche descriptive et d'une analyse profonde des sources secondaires, cet article examine la politique d'état d'urgence déclaré dans le nord-est du Nigéria. En adoptant la théorie du jeu comme cadre théorique, les auteurs affirment que la manière dont les pouvoirs d'urgence ont été exercés était déterminée par des impératifs politiques plutôt que sécuritaires. Ils recommandent la création d'une force de police d'Etat dont les Gouverneurs devraient être les véritables chefs comme premiers responsables de sécurité de leurs Etats respectifs. D'autre part, le Président devrait exercer les pouvoirs d'urgence concurrentement avec les Gouverneurs des Etats avec l'implication des responsables locaux des entités concernées.

Abstract

In recent years, Nigeria has been facing an armed insurgency in the three north-eastern States, namely Adamawa, Borno and Yobe. On 14 May 2013, the government declared a state of emergency in these three States and swiftly put in place operational measures to counter this -insurgency. Ever since there has been a deluge of discourse and public commentaries on the state of emergency in Nigeria. Adopting a narrative descriptive approach and an extensive analysis of the secondary sources, this article interrogates the politics of the state of emergency declared in Northeast Nigeria. Adopting the game theory as theoretical framework, the author argues that the way emergency powers have been used in Nigeria suggests more of politics than the issue of national security. He calls for the creation of state police force under the authority of State Governors as the real Chief Security Officers of their respective states. Moreover, the President should exercise emergency powers concurrently with States' Governors without neglecting the local leaders of the concerned entities.

Keywords: Boko Haram; Constitution; Game Theory; Politics; State of Emergency; North East Nigeria;.

Introduction

Nations, all at once, are plagued by a lot of new, multifaceted threats, menaces, agitations and challenges, such as unprecedented upsurge in international terrorism, ecological calamities resulting from climatic change, pandemics, large-scale organized crime, colossal human displacements bringing about unusual population upsurge across borders and severe humanitarian crisis, insurgency and so forth (Adebisi, 2013:2). One of such challenges governments of many nations are faced with, in particular that of developing world, is that of insecurity. Most often, huge of capital, material and human resources were being expended to secure their nations from both internal violence and external aggression (Idowu, 2012:69).

In Nigeria, the return to democracy in May 1999 started amidst great hope and expectations of development and political stability. However, the last decade has experienced an increase in violent conflicts and criminality, which likely to undermine those expectations. The violence and criminality include armed robbery, drug trafficking, human trafficking, kidnapping, arms smuggling and militancy among others. The violent activities of armed non-state actors, mostly consist of radicalized youth groups as foot soldiers, has greatly threaten the nation's internal security. Popular among these groups are the Movement for the Emancipation of the Niger Delta (MEND), the O'odua People's Congress (OPC), the Arewa People's Congress (APC), Bakassi Boys, Egbesu Boys, the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), and more recently, Boko Haram, Ansaru, 'Kala-Kato', Ombatse, Indigenous People of Biafra (IPOB), among others(Onuoha, 2014:13).

In recent years, Nigeria has been confronting an armed insurgency in the three states of Adamawa, Borno and Yobe that make up the northeastern geopolitical zone, with the population of about 13 million people. The activities of the sect have led thousands of people in the northeast displaced. On 14 May 2013, the Government of Nigeria declared a state of emergency in these three States and immediately put in place viable means for a counter-insurgency operation in order to curtail the heinous crime of the sect. Sadly enough, the emergency rule declared did not put an end to the sect's nefarious activities such as bombings, killings, kidnappings and the destruction of property. On the contrary, the attacks of the sect during the period exceeded when there was no state of emergency (Awojobi, 2014:147; Onah, 2014:64). Ever since, there has been series of debate and public commentaries over the legality and constitutionality of the state of emergency itself, its purport and intent. It is against this backdrop that this paper interrogates the politics of the state of emergency declared in Northeast Nigeria.

Theoretical Framework

This study adopted the game theory as its theoretical framework. Game theory is used in analyzing key interplays. At any time, the choices made by two or more individuals have an effect on each other's gains or losses, and henceforth their actions; the interplay between them is game-theoretic in nature (Morton, 2017:1).

Game theory is applicable to a wide range of political occurrences. For instance, inability to hold election in party A's stronghold will increase the chances of party B winning, with the resultant effect on the possibility of party A losing. According to Plano, Riggs and Robbins (1982) cited in Adedayo (2016:138), game theory is a "body of thought dealing with rational decision strategies in situations of conflict and competition, when each participant or player seeks to maximize gains and minimize losses." The idea of applying games theory to social science most especially in economics and politics surfaced in the early twentieth century. The earliest and one of the most methodical works on game theory, "Game of Politics: A Study of the Principles of British Political Strategies", was published P. G. Cambrey in 1932 (Varghese, 2017:17). In 1943, Neumann and Morgenstern published "Theory of Games and Economic Behaviour" (Kay, 2005:4). Several scholars, such as Schelling, Riker, Kaplan and Raiffa also documented in extensive details the relevance of game theory to social sciences.

Game theory is based on certain assumptions, which includes; (i) it assumed that there must be at least two players in any game, (ii) each player of the game is only interested in making decision that will be of benefit to him, (iii) in every game there is a tactic, which is determined by the player of the game, (iv) the players of the game are guided by rationality, and (v) the player is quite conscious of the alternatives that exist before him and he chooses one or two that he considers would offer him maximum pay-off (Burns and Roszkowska, 2005: 20,34; Tema, 2014: 2-3).

Although the relevance of games theory is more prominent in international politics than in domestic politics, its applicability to domestic politics is not in doubt since international politics is an extension of domestic politics. Its application to this work is appropriate, since much of politics have to do with the allocation of scarce resources, such as power and wealth, and the competition for these resources, a whole lot of politics evidently will be appropriate for the language of game theory.

Methodology

The adopted research methodology was a desktop research, where information was obtained from books, journals and newspapers relevant internet sources. The data were subjected to substantive and extensive analysis through the instrumentality of content validity, content analysis and textual criticism to establish facts that defend or refute the hypothesis.

With content validity, data collected reflect the issue under research and ensure that key related subjects are not excluded. The content analysis examined the presence of words or phrases in a text in order to identify the specified characteristics of messages and to make meaning of them. With textual criticism, literature works were verified and synthesized to determine their originality and authenticity.

State of Emergency

Nations will at some period be faced with severe crisis conditions, such as terrorism or other kinds of severe social mayhems, and such a situation may necessitate regulating the enjoyment of individual rights and freedoms or even suspension of their enjoyment completely. Different terms are been used by states to describe the special legal order introduced in emergency situations such as a “state of alarm”, “state of exception”, “state of tension”, “state of siege”, “state of necessity”, “marital law”, “*state of emergence*” and so forth (Nwoke, 2013:275).

State of Emergency has been variously defined, capturing different elements that create room for the emergence of this phenomenon. A state of emergency simply put therefore is a governmental declaration that acknowledges the existence of this unusual situation and takes some necessary actions to restore the peace and governmental stability of the society (Richie, 2011: para 1). A publication of the Geneva Centre for Democratic Control of Armed Forces on “State of Emergency” conceptualized it as follows:

A state of emergency derives from a governmental declaration made in response to an extraordinary situation posing a fundamental threat to the country. The declaration may suspend certain normal functions of government, may alert citizens to alter their normal behavior, or may authorize government agencies to implement emergency preparedness plans as well as to limit or suspend civil liberties and human rights. The need to declare a state of emergency may arise from situations as diverse as an armed action against the state by internal or external elements, a natural disaster, civil unrest, an epidemic, a financial or economic crisis or a general strike (Backgrounder, 2005:1).

Generally, state of emergency has been defined by the *Chambers 20th Century Dictionary* cited in Oniha (2014:2) as “the suspension of normal law and order procedures and the introduction of strict controls of the population, which usually involves the military, so that a crisis, revolution, etc can be contained”. While these various definitions and analytical backgrounds give insight into the understanding of state of emergency, it is important to examine the developments that precipitate the declaration of state of emergency in Nigeria.

State of Emergency: The Nigerian Experience

History of emergency rule in Nigeria is closely linked to the colonial connection between her and Great Britain. One unique feature of the colonial administration was the emphasis placed on public order and state security (Idowu, 2012:75). The governor has the power to make a formal proclamation that will make the provisions of order-in-council to become operational in the entire country or any part of it, if he was satisfied that a public emergency existed. This power, according to Nwabueze (1974:305), was put to use to a certain extent between 1946 and 1960. During the period, there were twenty-nine emergency declared in different parts of the British colonies ranging in length from a few days to months or several years (Nwabueze, 1974:305). Meanwhile, state of emergency had been declared in the Independent Nigeria on five major occasions. The first was in the former Western Region in 1962. The second was in Plateau State in 2002. The third was in Ekiti State in 2003. The fourth was a series of emergency rule declared on a number of Local Government areas in Borno, Yobe, Plateau and Niger States and the fifth was declared in three northeastern states of Borno, Adamawa and Yobe. Historical antecedents of each declaration shall be examined.

Western Nigeria, 1962

State of emergency was first proclaimed in the independent Nigeria in 1962 when the crisis within the Action Group grew into a feud between the young radicals led by Awolowo and the businessmen led by Chief Akintola (Aluko, 2004: para 3). With a vote of 81 to 29, decision for Akintola's dismissal from the party and his resignation as the premier was taken which he (Akintola) declined to accept instead he filed a suit against the action.

Without waiting for the court's decision, the Governor went on to remove him and sworn in Alhaji D.S. Adegbenro as the Premier of Western Region. Thereafter, Alhaji Dawodu Soroye Adegbenro formed a cabinet, which was sworn in May 23 (Ojiako, 1981). On May 29, 1962, as a fallout, the Prime Minister, Sir Abubakar in the Federal House in Lagos, in pursuance of section 65 of the Constitution of the Federation moved a motion for the declaration of state of public emergency in the Western Region of Nigeria, the resolution of which shall remain in force until the end of the month of December.

After given historical reasons why he thought those present should support his motion, the motion was passed by 32 in support, 7 against and 2 abstentions. With the passage of the motion, the Federal Government took over the administration of Western Nigeria. The Governor General promulgated series of Emergency Powers Regulations on the same day, and Senator the Hon. Dr. Moses Adekoyejo Majekodunmi was appointed the Administrator of Western Nigeria (Udoma, 1994; Aluko, 2004: para 3).

The Plateau State Experience of Year 2004

The protracted boundary disputes and ethno religious disturbances majorly between Christians and Muslims in Yelwa, Langtang, Shendam and Wase Local Government areas of Plateau State resurface in September 2001. The parties from time to time took on each other in fierce battles between 2001 and 2003. The situation which gotten worsened by February 2004, came to a peak on May 2, 2004 resulting from violent attacks on inhabitants of Yelwa which resulted in the death of about 200 peoples while several houses were set on fire. In response to the incident, President Olusegun Obasanjo embarked on a working visit to the troubled region and the internally displaced camps on May 13, 2004 (Idowu, 2012:75-76; Ostien, 2009:14).

The agony of the internally displaced persons (IDP) seen by the President, as well as what he described as the inability and incompetence of the Governor to maintain security of life and property in the state (particularly in the affected areas), prompted the invocation of Section 305 of the 1999 Constitution by the President to declare a state of emergency in Plateau State on the 18th day of May 2004 (Obasanjo, 2004: 2).

The President also sacked the incumbent Governor Joshua Dariye for failing to act to end the series of the violence. He blamed him for the continuing violence, in Obasanjo's word, "If anything, some of his utterances, his lackadaisical attitude and seeming uneven handedness...over the contending issues present him as not just part of the problem, but also as an instigator and a threat to peace" (Obasanjo, 2004, para. 4). In addition, the President dissolved the Plateau State House of Assembly and appointed retired General Chris Ali as Sole Administrator for six months (Idowu, 2012:76; Alemika, 2014).

Emergency Rule in Ekiti State in 2006

Aluko in a paper titled “the state of emergency in Ekiti State and the Nebuchadnezzar non-option” give a very detailed events leading to the declaration of the state of emergency from which an extract shall be made for this study.

According to Aluko (2006: para 1-11), Ekiti State House of Assembly members on the 26 September 2006 passed a motion to serve a notice of impeachment on the Ekiti State governor Mr. Peter Ayodele Fayose and his deputy on allegation of gross misconduct. The governor in an effort to stop the impeachment process filed an ex-part motion in an Ado-Ekiti court. However, on October 16, the House Assembly, after receiving the Aladejana panel report and calling for a vote, formalized the impeachment of Fayose and his deputy. The acting judgeship of Aladejana, who immediately proceeded to swear in the Speaker as Acting Governor was also formalized by the house.

The unseated deputy governor Olujimi filed a suit at an Ado-Ekiti High Court challenging her removal from office, now claiming to be Acting Governor on behalf of her “impeached” Governor, whose whereabouts she said she knew not. The deposed governor also spoke to a Lagos TV channel from his hideout, laying claim to his governorship seat. With three claimants to the Ekiti state governor’s seat, the ground was prepared for eventuality.

All of the above actions culminated in a state of emergency being declared by President Olusegun Obasanjo on Thursday, October 19. President Obasanjo announced the appointment of an ex-military person, Tunji Olurin, as “Sole Administrator” of Ekiti State. At the end of the six months period of the emergency rule in Ekiti State on April 18, 2007 president Obasanjo extended the emergency rule to last till May 29, 2007 (Aluko, 2006: para 12).

State of emergency in Plateau, Niger, Yobe and Borno States - 2011.

The surge of terrorist acts by the dreaded group called Boko Haram became more worrisome by the year 2011 with the massive destruction of lives and property through bombing of innocent civilians, mosques, churches, police stations and public buildings (Amaechi, 2013:142-143). In the wake of worsening insecurity, that follows the Christmas Day bombings at Madalla, Niger State, Church of Christ in Nigeria Headquarters bombing in Jos, and another in Damaturu in Yobe State, on December 31, 2011, partial state of emergency was declared in 15 local government councils spread across the states of Plateau (four), Niger (one), Yobe (five) and Borno (five) by President Goodluck Jonathan (Nnamdi, 2013:101).

Consequently, the Federal Republic of Nigeria Official Gazette No 38 of 12 May 2012 was published (Idornigie, 2013:392-393). However, the federal government lifted the state of emergency on Wednesday July 19, 2012, following a review of the security situation in the affected 15 local government areas. This, according to the Attorney General of Federation Mohammed Adoke, is to enable the Government to put in place appropriate confidence building measures to improve security in the affected areas.

Emergency rule in 3 North Eastern states (Borno, Yobe and Adamawa) – 2013

The Northern part of Nigeria is in crisis. With northeast geo-political zone, constituting six states; Borno, Yobe, Bauchi, Gombe, Adamawa and Taraba states, most affected in the Boko Haram activities since the year 2009 (Caleb and Hapsatu Mohammed, 2016). Lately it evolved into pure terrorism, with students attending secular state schools, health workers involved in polio vaccination campaigns and villager supporting the government as targets. (African Report, 2014; Caleb and Hapsatu Mohammed, 2016). On May 14, 2013, President Goodluck Ebelle Jonathan in a nationwide television broadcast announced the ‘declaration’ of state of emergency in the three northern states of Adamawa, Borno and Yobe states (Alemika, 2014). Declaring the state of emergency, the President stated as follows:

Following recent developments in the affected states, it has become necessary for Government to take extraordinary measures to restore normalcy. After wide consultations, and in exercise of the powers conferred on me by the provisions of Section 305, sub-section 1 of the Constitution of the Federal Republic of Nigeria 1999 as amended, I hereby declare a state of emergency in Borno, Yobe and Adamawa states.

Accordingly, the Chief of Defense Staff has been directed to immediately deploy more troops to these states for more effective internal security operations. The troops and other security agencies involved in these operations have been orders to take all necessary actions, within the ambit of their rules of engagement, to put an end to the impunity of insurgents and terrorists. This will include the authority to arrest and detain suspects, the taking of possession and control of any building or structure used for terrorist purposes, the lock-down of any area of terrorist operation, the conduct of searches, and the apprehension of persons in illegal possession of weapons.(Jonathan, 2013, para. 12-14). The emergence rule was twice extended after the first 6 months expiration. The third attempt by the president to extend it was rejected by both chambers.

State of Emergency in Nigeria: Between Politics and Constitutionality

The provision of the constitution on declaration of a state of emergency is very explicit in section 305 of the 1999 constitution. The incidents that can lead to such declaration are also clear and unambiguous. That which may seem a little contentious is paragraph (d) of subsection 3 where there is “a clear and present danger of an actual breakdown of public order and public safety”. Even though the Nigerian constitution made provision for the use of emergency powers but the way it has been used in Nigeria suggested more politics than the issue of national security (Mbah, 2014).

In the assertion of Uchechukwu (2013:236), dated back to the first Republic, declaration of a state of emergency in any part of the country carried with it some elements of politics – it is seen as an opportunity by the government at the center to punish an errant regional or state government.

In an attempt to capture the politics that came to play in the state of emergency declared in the Western Region by the Balewa administration (in the first republic) Mbah (2014) has this to say:

The declaration of state of emergency was predicated on the fact that the ruling party, NPC which also controlled the Federal Government, had no political hold on the Western Region since the alliance between it and the NCNC has been strained and broken up. The NPC after the end of the six months that the emergency rule lasted reinstated S.L. Akintola as the premier of the Western Region. However, at this time, Chief Awolowo who was the leader of the AG, was charged with plotting to overthrow the Federal Government and sentenced to 10 years imprisonment. On his return to power, Akintola formed a new party known as the United Progressive Party (UPP) and later the Nigerian National Democratic Party (NNDP). Akintola and the NNDP depended on the Federal Government for its survival and obliged the Federal Government by approving the legislation for the creation of the Mid-Western Region in 1963 (2014: 590).

He submitted further:

The chief beneficiary, however, of the power play was the NPC which used it to strengthen its political balance. After the state of emergency had been declared or even at the end of it, it would have been possible to hold an election in order to decide which of the parties or factions had the support of the electorate. This was not done. On the contrary, the emergency lasted for six months, and when it was finally lifted, Chief Akintola was reinstated Premier of the Western Region. And so, on June 3, 1963, the Federal Parliament approved the amendment to the constitution of Western Nigeria, consequently confirming Akintola in power, in the build up to 1964 elections (2014: 590).

During the regime of Obasanjo, state of emergency was declared in Plateau and Ekiti States. Both the way and circumstances surrounding the declarations raised many unanswered constitutional questions. One of such question was whether *Section 305*, which confers on the President the powers to declare a state of emergency, also empowered him to remove a democratically elected Governor and elected members of the State House of Assembly (Uchechukwu, 2013:237). However, that which is central to this work is the politics that underscored the declaration. This Aniebo Nwanu cited in Uchechukwu (2013:.237) sum up as follows: ...Obasanjo woke up one day and declared a state of emergency in Plateau State because he wanted to get at a political opponent. He did the same in Ekiti State because of one man.

Likewise, Nwabueze (2007) opined that the use of state of emergency by President Obasanjo in Plateau and Ekiti states were an abuse of power, brought about for political reasons, and not in conformity with the spirit and letter of the constitution. In his words:

...despite this when the 'push came to shove' in Plateau and Ekiti States they were ignored because the motives behind the declaration were vengeance and settlement of political scores (2007:201).

While the need for President Jonathan's declaration of state of emergency in the 15 local government councils cannot be in doubt. It was indeed a great relief to many and source of hope that perhaps, the end of the expensive attack on the Nigerians was imminent. Mbah (2014) traced the politics underlying the declaration to the internal politics within the then ruling People Democratic Party.

The emergency rule declared by President Goodluck Ebelle Jonathan on May 14, 2013, in the three northeastern states of Adamawa, Borno and Yobe states was never a strange one. However, to Oniha (2014:1), Jonathan departed from the precedent by allowing the state officials in the affected states to continue in office. As in the past though, the motive were not vindictive, there were a lot of political coloration to the declaration. The All Progressives Congress (APC) - the main opposition party then, accused President Goodluck Jonathan and his party of plotting the state of emergency in order to scuttle the 2015 general elections (Peoples Daily, 2015).

According to the National Chairman of the APC (John Odigie-Oyegun), the desperation of President Goodluck Jonathan to be re-elected seems to inform it, in order to make conduct of elections in the affected region impossible, knowing full well the region are APC strongholds (National Mirror, 2014).

The Jama'atu Nasril Islam, JNI, also accused President Goodluck Jonathan and his government of been behind Boko Haram attacks to enforce emergency rule. In a statement by its Secretary General, Khalid Aliyu, the group said it has observed a trend of increase in Boko Haram attacks whenever the federal government seeks an extension of emergency rule in the three North Eastern states affected by the insurgency (Odunsi, 2014: para 4). In Adibe's (2014: para 3) opinion, the politics of extending emergency rule in Adamawa, Borno and Yobe states is rooted in a range of conspiracy theories about Boko Haram. Opponents of President Jonathan in the North believe the emergency rule was a deliberate plan to either depopulate the north ahead of the 2015 elections or a source of primitive accumulation for several people close to power at Abuja. Meanwhile, to the proponents of the extension, those who are opposed to it have secret agenda of either abetting Boko Haram or want to see President Jonathan humiliated.

Conclusion and Recommendations

It is evident from the above that the use of state of emergence in Nigeria as a tool to deal with security challenges by the president has been full of difficulties - its motives had always been questionable, the one declared in the North east is also not an exception. Added to this, is the cooperation of the state or local government under emergency rule, which is very critical to its success, is often lacking. Consequently, recommendation is made for the creation of state police force where the State Governors will be the actual Chief Security Officers of their respective states. Otherwise, emergency powers should be exercised by the President concurrently with the Governor of the affected states and the Local Government Chairmen of Areas involved.

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