

ISSN: 2141-3827

# **CENTREPOINT JOURNAL**

**Humanities Edition**



**Volume 16**

**Number 2**

**December 2013**

**A JOURNAL OF INTELLECTUAL,  
SCIENTIFIC AND CULTURAL INTEREST**

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**Nigerian Political Elites and Succession Crises in the Fourth Republic: A Study of the 2007 Governorship Elections**

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**Abstract**

Succession crises have become a recurring decimal in Nigeria's electoral processes over the years. Beginning from the First Republic to the Fourth Republic, each time an election was conducted in the country, the aftermath had always been a succession crisis between the declared winner and the loser. Experiences had revealed that the loser either took laws into his hand by propelling political crisis, or seek redress constitutionally, by taking his grievances to the Election Petitions Tribunal/ Court. This study addresses succession crises in Nigeria's Fourth Republic using the Governorship elections of 2007 as its case study. The justification for the selection was informed by the fact that the outcomes of the elections recorded the highest number of litigations and up-turned gubernatorial elections in the country's political history. Some of the findings of this study include: (i) the Independent National Electoral Commission (INEC) was indicted by some Election Petitions Tribunals/ Courts because of the sordid ways it managed the elections; (ii) about 80 per cent of cases filed before Election Petition Tribunals on gubernatorial polls, bordered on the outcomes of the elections; and (iii) about 80 per cent of the cases involved members of the opposition parties versus the ruling party, Peoples Democratic Party. Part of the recommendations of the study are that: (i) INEC should always provide a level playing ground for electoral stakeholders during electoral processes; and (ii) Parties should always develop internal mechanisms that will guarantee equal representation in the affairs of the State.

**Keywords:** Political Elites; Succession Crises; Political Parties; Election Management Bodies, and Election Tribunals.

### **Background to the Study**

Succession crises are not alien to the Nigerian societies. Some of the primordial Nigerian societies had records of succession crises. Mostly affected were the societies that did not practice Monarchism (a form of government in which ascension to the throne is via hereditary). Their examples were found in Yoruba and Igbo societies. Even with the advent of modernization succession crises remained a recurring issue in both societies. However, unlike during the pre-colonial period when it used to take the form of 'survival of the fittest', the current practice is that any issue relating to succession is resolved legally. But in contrast to these societies, the Hausa-Fulani societies which were predicated on Islamic Legal Principle (Sharia Law) witnessed less succession crises (Olatundun, 2008:61). What made the societies to record this feat was that they practiced monarchism. With the advent of modernization, the nature of succession crises as it affects political elites in Nigeria have become linked with electoral issues.

The first manifestation of a succession crisis in Nigeria's electoral process was recorded in 1942. This came about as a result of the resignation of Sir Kofo Abayomi who represented Lagos in the nation's Legislative Council. His resignation came about because of his appointment as a member of the first set of indigenous executive members of the central government during colonial rule. Two members of his Party, Nigerian Youth Movement (NYM) desired to succeed him. They were: Ernest Ikoli, an Ijaw man and Samuel Akinsanya, a Yoruba man, who later became the Odemo of Ishara. Members of the Party were divided over whom to support. However, their supports later had ethnic colouration. The succession crisis which lingered on for months, eventually led to sharp divisions within the rank and file of the Party, a development that weakened its political cum electoral strength which later led to its political demise (Coleman, 1983: 227-228). Since that time till the period of this study, none of the electoral processes in the country had escaped from the issue of succession crisis.

The Federal Election of 1954 was the second manifestation of succession crises in Nigeria. The crisis came about as a result of the regionalization of Nigerian politics. Prior to that period, the nature of Nigerian Politics did not take the form of ethnic chauvinism. However, the Lyttleton Constitution of 1954 which conferred Regional Legislative Power on Regional Assemblies and which created the offices of Governor and Premier, served as an eye-opener on the perquisites of political office to the politicians. It made them to be conscious of their affinity to their cradles. Consequently, the outcomes of October 1954 Federal Election reflected ethnic voting patterns.

The crisis that followed the outcomes of the 1959 General Elections was yet another succession crisis in Nigeria. The outcomes of the elections held in December 1959 did not produce clear winners for the offices of Governor-General and Prime Minister. Out of the 312 seats contested for, the Northern Peoples Congress (NPC) which won the highest number of seats only had simple majority. It won a total of 142 seats which only represented simple majority. NCNC which trailed behind it won



89 seats while AG which came third won a total of 72 seats (Ojiako, 1998). The development precipitated horse-trading among the first three Parties. This lingered on for months. At the end of the intrigues, a coalition was formed between the NPC and NCNC. AG became the official Opposition Party. These arrangements however, set the Western Region against the other two Regions (North and East). The divisions lingered on till the collapse of the First Republic. Attempts made by the administration of the Prime Minister, Sir Tafawa Balewa, to penetrate the Western Region set the Premier of the Region, Chief S.L. Akintola, at a collision course against Chief Obafemi Awolowo, the leader of his Party, AG. Chief Obafemi Awolowo, the founder, and leader of AG, had to resign his position as the Premier of Western Region to contest election into the Federal Parliament. This paved the way for his erstwhile Deputy, Chief S.L. Akintola to become, firstly, the acting Premier of the Region; and later, the substantive Premier of the Region. However, cold war eventually ensued between the two personalities (Awolowo and Akintola) over the control of the Western Region and Leadership of their Party (AG). The intrigues between the duo reached their climax during their Party's convention of 1962 when they disagreed on ideological grounds. While Chief Obafemi Awolowo championed the cause of the Party on 'Pan-African Socialism', Chief S.L. Akintola, the Premier of Western Region, favoured 'Liberal Capitalist Economy' (Sklar, 1983: 281-282). This development was a clear indication that Chief Akintola was poised to wrestle the leadership position of the Party from Chief Awolowo. The scenario however, led to the expulsion of Chief Akintola from AG. (He had earlier walked out of the annual convention of the Party). Subsequently, the Federal Executive Council of the Party called upon him (Akintola) to resign as the Premier of the Western Region. Upon his refusal to abide by the Party's directive, he was subsequently dismissed from the Party (AG) and Alhaji D.S. Adegbenro was named as his replacement. Chief Akintola however, refused to quit office as the Premier of Western Region hence, it was widely reported by Nigerian media that 'Akintola Ta'ku' (Akintola refuses to quit). These developments however, snow-balled into chains of political crises in Western Region the end result of which was the collapse of the First Republic on January 15, 1966.

The Second Republic also witnessed succession crises. First, the outcome of the 1979 Presidential election which declared Alhaji Shehu Shagari as the winner of August 1979 Presidential election was challenged by the duo of Chief Obafemi Awolowo and Alhaji Ibrahim Waziri who also contested the election. They anchored their legal action on constitutional ground. Section 125(b) of the 1979 Constitution of Nigeria had provided that for any candidate to be declared as the winner of the Presidential Poll, he/she must poll at least one-quarter of the total votes cast in not less than two-thirds of the then nineteenth (19) States of the Federation. Since there were no fractions of States, two-thirds of 19 States should have translated to mean thirteen (13) States. However, Alhaji Shehu Shagari who had the highest number of Votes cast (5,325, 684) in twelve States was declared the winner by the country's Election Management Body (EMB), Federal Electoral Commission (FEDECO).

Chief Obafemi Awolowo and Alhaji Ibrahim Waziri, challenged Shagari on this ground and called for the annulment of the election result because none of them (contestants) had met the constitutional requirement to qualify him for being sworn in as the President of the Country. But in its judgment of September 26, 1979 the Supreme Court of Nigeria upheld the election of Alhaji Shehu Shagari in what Onuoha and Fadakinte described as "a judgment of political stability" (Onuoha and Fadakinte, eds. 2005:6). The scholars described the judgment that way because they were of the view that the Court could have reasoned that a judgment that would delay the handover of power could lead to further crisis that might encourage another military intervention.

The second round of elections held in the Second Republic was the 1983 General Elections. The outcomes of the elections also witnessed series of succession crises. However, the one that attracted the attention of political analysts most was that of Ondo State. FEDECO which was then the country's Election Management Body (EMB) had earlier declared Chief Akin Omoboriowo, the then Deputy Governor of the State, the winner of the Governorship election. He was alleged to have defeated his boss, Chief Adekunle Ajasin who was the then Governor of the State. The duo won the Governorship election under the platform of the Unity Party of Nigeria (UPN) in 1979. However, Chief Akin Omoboriowo fell apart with his boss, Chief Adekunle Ajasin, when the latter decided to contest election for the office of the Governor of the State for the second time. Chief Akin Omoboriowo alleged that his boss, Chief Adekunle Ajasin, had earlier assured him that he would not seek second term in office (Oladipo, 1985) Chief Adekunle Ajasin however, denied this claim (Oladipo, 1985:49). Therefore, in order to fulfil his aspiration, Chief Akin Omoboriowo, who was then the sitting Deputy Governor of the State, defected to the National Party of Nigeria (NPN) which was an opposition party in the State and which coincidentally was the ruling Party in the centre and contested the election under its platform. The outcome of the election precipitated political violence, during which prominent politicians (for example, Chief Fagbamigbe) in the State were killed. Chief Akin Omoboriowo himself escaped death by a whisker. Properties worth Millions of Naira were also destroyed. Chief Adekunle Ajasin, the incumbent Governor, who was the candidate of the UPN, challenged the outcome of the election in the Election Tribunal. The Tribunal later upturned the victory of Chief Akin Omoboriowo and declared Chief Ajasin as the authentic winner of the election (Oladipo, 1985:51).

The transitional Presidential Election held in the aborted Third Republic during the administration of General I.B. Babangida was also bedevilled with succession crisis. The election which was held on June 12, 1993 was contested by two candidates. They were: Chief M.K.O Abiola, the Presidential candidate of the Social Democratic Party (SDP) and Alhaji Bashir Tofar, the flag-bearer of the National Republican Convention (NRC). The Armed Forces Ruling Council (AFRC) intervened in the electoral process when it announced that it has annulled the election which was widely believed to have been won by Chief M.K.O Abiola, the candidate

of the S.D.P. The National Electoral Commission (NEC) which was the EMB that organized and conducted the election had previously announced the results of twenty-three (23) of the thirty (30) States in the Federation then, in which Chief M.K.O. Abiola was leading convincingly. Political analysts (for example, Onuoha, 2005 and Famakin, 1999) were of the view that AFRC annulled the election when it became apparent to the administration of General I.B. Babajida that power would shift to the South. This was because, Chief M.K.O. Abiola who was leading in the results declared was a Southerner. However, the action of the Military Government led to chains of reactions from the people of the South especially South-Westerners who viewed it as a plot against them by the Northerners to prevent them from assuming the political leadership of the country. Consequently, there were wide-spread of political crises in some parts of the South especially South West which were championed by some pro-democracy groups like National Democratic Coalition (NADECO). The crises which covered major cities in South-West like Lagos, Ibadan, Abeokuta and Akure witnessed wanton destruction of lives and properties. No fewer than one hundred and twenty (120) deaths were recorded while properties worth billions of Naira were lost. It is imperative to note that the crisis also forced General I.B. Babangida (retd.) out of office, on August 26, 1993. As a result of the succession crisis, he constituted an interim Government headed by Chief Ernest Shonekan and handed over power to it. The crisis also consumed the principal actor, Chief M.K.O. Abiola, who after declaring himself as the President of the country in June 1994 at a political rally in Lagos, was arrested and incarcerated by the Military administration of General Sani Abacha. He later died in prison custody in a controversial circumstance in July 1998.

In the Fourth Republic, the General Elections of 2003 equally had records of succession crises. At the end of the polls, no fewer than five hundred (500) cases were filed before the various election Petitions Tribunals across the country (INEC, 2003). The cases affected the various elections held in the country then. But more importantly, some Governorship elections and the Presidential Poll generated some controversies. The most prominent one among such Governorship elections was that of Anambra State. The Independent National Electoral Commission (INEC), the country's EMB, had earlier declared Dr. Chris Ngige, the candidate of the Peoples Democratic Party (PDP) the winner of the election. The decision was however, challenged in the Governorship Election Petitions Tribunal by Mr. Peter Obi the candidate of the All Progressive Grand Alliance (APGA). He called for the nullification of the purported victory of Dr. Chris Ngige and demanded that he should be declared the winner of the election. The Anambra State Election Petitions Tribunal nullified the election of Dr. Chris Ngige on 12th August, 2005 (Eze, Mucgbo and Akinwumi, 2005:2). However, he filed an appeal at the Federal Court of Appeal, Enugu. The Court in its judgment of March 16, 2006 delivered by Justice Rabi'u Muhammed, declared Mr. Peter Obi as the winner of May 2003 Governorship election. It is noteworthy that the crisis dragged on for almost three years before it was put to rest. Worthy of note also was the fact that Mr. Peter Obi was able to win

the case because of the in-fighting between Dr. Chris Ngige and his erstwhile godfather, Mr. Chris Uba who even testified against him at the Tribunal. He (Uba) told the Tribunal that Dr. Chris Ngige did not win the election but Mr. Peter Obi did. The Tribunal anchored its judgment on this testimony and about 500 others. The development changed the political situation in Anambra State because since that time till the period of this research, APGA has been holding on to power in the State (Ameh, 2006:5).

The Presidential Election of 2003 which was contested by the then incumbent President of the country, Chief Olusegun Obasanjo and the candidates of twenty (20) other Parties also exhibited the attributes of succession crisis. At the end of the Poll, Chief Olusegun Obasanjo who doubled as the then incumbent President of the country and the Presidential candidate of the PDP was declared the winner of the election by the Independent National Electoral Commission (INEC). He polled a total of 24,456,140 votes to defeat other candidates. For instance, his closest rival, General Muhammadu Buhari (rtd) who was the candidate of the All Nigeria Peoples Party (ANPP) only garnered a total of 12, 710, 022 votes which represented about 32.19% of the total votes cast (Otoghagua, 2009:329). All the other contestants failed to garner at least 25% of the total votes cast. In fact, Chief Odumegwu Ojukwu of the All Progressive Grand Alliance (APGA) who came third in terms of electoral performance only managed to poll a total of 1,297,145 votes which represented 3.29% of the total votes cast (Otoghagua, 2007:329). The outcomes of the Presidential Election received wide condemnations both within and outside the country. The critics, for example, the Conference of Nigerian Political Parties (CNPP) anchored their argument on the fact that Chief Olusegun Obasanjo enjoyed massive support due to the fact that he was the incumbent President. The results were eventually challenged in the Presidential Election Petitions Tribunal (Federal Court of Appeal, Abuja) by General Muhammadu Buhari, the ANPP's flag-bearer, Chief Odumegwu Ojukwu, the APGA candidate and Chief Jim Nwobodo the candidate of the United Nigeria Peoples Party (UNPP). However, the litigation was preceded by 'street protests' in Abuja, the Nation's Federal Capital Territory (FCT) which was organized and led by the trio. During the 'street protests', the trio called on Nigerians to embark on the activities that would ground the political ship of the country.

In fact, General Muhammadu Buhari (rtd.) threatened to frustrate the inauguration of President Olusegun Obasanjo as the President of the country on May 29, 2003. He was quoted to have said: "there would be no government on May 30, if there was no repeat of the last presidential and gubernatorial elections in some parts of the country by the Independent National Electoral Commission". (*Nigerian Tribune*, 2003:9) However, despite the crises that bedevilled the election, the Supreme Court of Nigeria eventually upheld the election victory of Chief Olusegun Obasanjo in December, 2004 by confirming the judgment of Federal Court of Appeal which had earlier upheld his election victory. This came up after months of succession crises masqueraded in the form of litigations which set the ruling party,



PDP, against the Parties that contested the election victory of Chief Olusegun Obasanjo. The foregoing represented the nature of succession crises as it affected the political elites of Nigeria before 2007 polls and it therefore prepared the ground for this study.

The main objective of this study is to identify the various factors that usually precipitate succession crises in Nigeria using the gubernatorial elections of 2007 as focus. The study was however, particular about those cases of gubernatorial elections in which candidates declared as winners by the INEC had their purported victories upturned by Elections Appeal Tribunals and the petitioners declared winners. The States affected were: Edo, Ekiti, Ondo, Osun and Rivers. Consequently, their case was different from those gubernatorial elections voided by Appeal Tribunals and fresh elections ordered. States affected in this category were: Kogi, Sokoto, Cross Rivers, Kebbi and Adamawa.

The study adopted descriptive and comparative modes of analyses for the proper analyses of its findings and it is divided into a number of sections; introduction, conceptual clarifications, succession crises and 2007 governorship elections in Nigeria and conclusion.

### Conceptual Clarifications

#### (a) Political Elites explained

Every organization (organized or unorganized) is often governed by a group of individuals. Without this arrangement in place, there will be anarchy. Therefore, to prevent succession crisis, each society usually fashion out the processes of electing or choosing ruling elites. Political elites are therefore members of the ruling class in any political system entrusted with the responsibility of administering the affairs of the State.

Vilfredo Pareto (cited in Varma, 1982) one of the founding fathers of Elite Theory postulated that every society is ruled by a minority that possesses the qualities necessary for its ascension to full social and political power. Those who get to the top are always the best. They are known as the elites. However, in the broader usage of the term, elites consist of those successful persons who rise to the top in every occupation and stratum of society (Olaniyi, 2005:89). From the foregoing, elites can be explained as individuals who occupy special positions in an organization or establishment that make them markedly different from other members. Because of the certain privileges they enjoy over other members, their positions usually become the envy of other members. This explained why Mosca Gaetano (1939) posited that the distinguishing characteristics of the elite are "the aptitudes to command and to exercise political control". (Quoted in Varna, 1982).

Parry (1977:13) explained elites as the "small minorities who appear to play an exceptionally influential part in political and social affairs. They exercise preponderant influence within that collectivity by virtue of their actual or supposed special talents". In a similar vein, Roberts and Edwards (1991) explained elite thus:

Originally meaning the selected or chosen, now the 'select' or 'choice' minority within a social collectivity (e.g. a society, a state, a political party) which exercises a preponderant influence within that collectivity, usually by virtue of its actual or supposed special talents (Roberts and Edwards, 1991:43).

The above explanations show that elites are found in virtually every facet of life. This explains why they are often qualified differently, for example, economic elites, political elites, religious elites. However, the focus of this study is on 'political elites'. Roberts and Edwards (1991:43) explained political elite as "an elite which exercises preponderant political influence". They added that it is also known as the "ruling elite". From the understanding of this definition a political elite or ruling elite connotes an individual who occupies a political office in a polity during any political dispensation at any point in time. The distinguishing feature of political elites vis-à-vis other forms of elite (for example, economic elite, religious elite; professional elites) is that they are product of electoral process(es). Consequent upon these explanations, examples of political elites in Nigeria currently include the Executive President of the country; his vice; elected members of the National Assembly which is composed of the House of Senate and House of Representatives, members of the State Houses of Assemblies; elected Local Government Chairmen; and elected Councillors. However, in some cases, appointed Ministers and Commissioners are also often classified as political elites by some analysts. But in this case, they do not qualify to be so described because their ascendancy to power is via choice and not election. The foregoing explains why Boynton (2001:280) argued that "election is a distinctive route into the political elite". Umar (2009) also argued that political elites usually emerge through democratization process.

**(b) Succession Crises Explained:**

Advanced Oxford Learner Dictionary (2006) explains succession as the "act of taking over an official position or title; the right to take over an official position or title especially to become the king or queen of a country". A look at the second part of the definition shows that it emphasizes the legal aspect of succession. An individual who will take-over the mantle of leadership of a State from the current occupant of a position must be a product of the constitutionally recognized means of producing a new set of political elites. However, by this explanation, monarchism also merits the description of a legal frame work of determining the new set of ruling elites in a society. But the focus of this study is limited to only the set of political elites produced through an electoral process. This is in tandem with the principle of "circulation of elites" which is one of the generalizations of Elite Theory. The principle of "circulation of elites" can be explained as a situation whereby one set of elites is replaced by another possessing similar trait (Olaniyi, 2005:90).

One of the purposes served by election is that it guarantees peaceful transfer of power from one set of political elites to another. The change of political baton from one set of ruling elites to the other usually occur at the end of election when it is discovered that the outgoing set of ruling elites had either been defeated in an election, or, had completed their terms of office. For instance, the political elites under the administration of former President Olusegun Obasanjo were replaced by a new set of ruling elites under the leadership of late President Umaru Musa Yar'Adua, when the latter took over power from the former Office in 2007. The example cited here substantiated the earlier claim in this article that election serves as the platform of transferring political power from one set of ruling elites to another set of political elites.

On the other hand, when at the end of an election an incumbent political office holder is defeated by another candidate but decides to stay-put in office and his/her action generates constitutional crisis or political crisis, we talk of succession crisis. When a stalemate is created at the end of an election by the action or inaction of an incumbent political office holder, the aggrieved parties may either seek redress in Court(s) or mobilize people against the fraudulent occupant of the political office. The second strategy is usually adopted when the incumbent himself contests an election it loses. An example was seen in the political crisis that broke out in Cote D'Ivoire (Ivory coast) after the defeat of President Laurent Gbagbo by (later President) Allegiance Quattara in the General Elections of November 2010. The failure of Gbagbo to respect the judgment of the ballot box led to a civil war in the country which warranted the intervention of United Nations Peace-keeping Force and Economic Community of West Africa's (ECOWAS) Peace Mission known as 'ECOMOG' (ECOWAS Monitoring Group). The exercise which lasted between November 2010 and March 2011 saw to the forceful exit of the then President Gbagbo from office and the reinstatement of Quattara who was the actual winner of the election. This scenario was a clear manifestation of succession crisis. Another example of succession crisis involving a set of ruling elite was found in the crisis that surrounded the ill-health of late President Umaru Musa Yar'Adua of Nigeria when he became incapacitated in November 2009 due to ill-health and travelled to Saudi Arabia for treatment. There were controversies over who was to act as the President of the country. His incapacitation lasted till May 5, 2010 when he died. However, between November 26, 2009 and February 2010 it can be argued that there was vacuum in the Presidency. This was because no person acted in that capacity. Ordinarily, he should have named his Vice (Dr. Goodluck Ebele Jonathan) as the acting President in line with Section 145 of the 1999 Constitution of the Federal Republic of Nigeria which provides that:

Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that he is proceeding on vacation or that he is otherwise unable to discharge functions of his office, until he transmits to them a written declaration to the

contrary such functions shall be discharged by the Vice-President as Acting President.

Late President Umaru Musa Yar'Adua did not comply with the above provision and this generated mixed reactions and constitutional crisis in the country. It took the country's National Assembly about three months to invoke Section 146 of the Constitution when it became apparent to it that the political ship of the country was about to be grounded. This was when it came up with the 'doctrine of necessity'. Section 146 of the 1999 Constitution of the Federal Republic of Nigeria provides that:

The Vice President shall hold the office of President if the office of President becomes vacant by reason of death or resignation, impeachment, permanent incapacity or the removal of the President from office for any other reason in accordance with Constitution.

The above provision shows that the Vice-President of the country has constitutional right to act in the absence of the President in certain situations. This was however, not the case then. The findings of this research showed that later events which unfolded in the country through the activities of some Northern-based interest groups, for example, Northern Political Leaders Forum, led by Malam Adamu Ciroma, revealed that the failure of late President Umaru Musa Yar'Adua to name his Vice, Dr. (now President) Goodluck Ebele Jonathan as the Acting President, bordered on North-South dichotomy in Nigerian politics.

The theoretical framework for this study is the 'Elite Theory Approach' developed by Vilfredo Pareto and which had been further enriched by political theories like Gaetano Mosca, Robert Michels and Harold Lasswell (Varma, 1982). The effects of the theory that are germane to this discourse are in two-fold. The first is one of the generalizations of the theory which states that "elites derive almost invariably the original power from coercive sources". The second is one of the underlying assumptions of the theory which States that "all men love power". These two aspects of Elite Theory show that in any organization, individuals contesting for elective offices always devote their time, energy and other resources to such contests with the view of winning elections at all cost. Having won such elections, they do everything possible to consolidate their positions and perpetuate themselves in offices where practicable. The aftermath of such desires is political crisis because their opponents will be equally out to challenge their actions either lawfully or illegally.

#### **Succession Crises and 2007 Governorship (Gubernatorial) Elections in Nigeria**

Governorship /Gubernatorial Elections are those elections organized and conducted by the Nigeria's Election Management Body (EMB) currently known as the Independent National Electoral Commission (INEC) to elect candidates to the



office of the Governors of the thirty six (36) States in the Federation. The office of the Governor of the State is established by Section 176 (1) of 1999 Constitution which provides that: "There shall be for each State of the Federation, a Governor". On the election of the Governor of a State, Section 178(1) of the same Constitution provides that: "An election to the office of Governor of a State shall be held on a date to be appointed by the Independent National Electoral Commission". Section 178(4) also provides that: "for the purpose of an election under this Section a State shall be regarded as one constituency".

The present thirty-six (36) State structure in Nigeria came into being in 1996 during the administration of late General Sani Abacha. Each State is composed of a number of Local Government Areas. Some States have homogenous ethnic groups (for example, Oyo and Katsina) while others have heterogeneous ethnic groups (for example, Kwara and Delta). A State enjoys some levels of autonomy in its relationship with the central government. This is reflected under 'concurrent legislative list' as contained in the Part II of the Second Schedule of the 1999 Constitution of the Federal Republic of Nigeria.

The 2007 Governorship elections were organized and conducted by the INEC under the Chairmanship of Professor Maurice Iwu. The elections were part of the third phase of elections to be held in the Fourth Republic. Elections in the first two phases were held in 1999 and 2003. The Governorship Elections of 2007 were held concurrently with the State House of Assembly Elections on 14th April 2007. The elections were contested by some of the registered Political Parties in the country on different proportions. While some fielded candidates in virtually all the thirty-five (35) States where Gubernatorial Elections were held (Gubernatorial election was not held in Anambra State), others only fielded candidates sparingly. Those in the former category, perhaps only contested elections in those States where they felt they were popular and did not bother to either campaign or contest elections in States where their calculations revealed that confronting the ruling Parties would be tantamount to share waste of time, energy and resources. On the other hand, the ruling Party (PDP) and other giant (major) parties like Action Congress (AC) and All Nigeria Peoples Party (ANPP) fielded candidates in all the States of the Federation. In all, a total of 485 candidates contested the Governorship elections of April 4th 2007 across the country (INEC, 2007:28). Apart from Jigawa State, all other States of the Federation had petitions brought before Governorship Elections Petitions Tribunals. In all, a total of 107 petitions were recorded in respect of the 2007 Governorship elections in the country. Anambra and Rivers States recorded the highest number of such petitions, which was nine (9) each (INEC, 2007:57-58). At the conclusion of the sittings of the Governorship Elections Petitions Tribunals and Federal Court of Appeals which then served as the highest Appellate Court for Governorship elections in the country, 102 cases were struck out while only five (5) were annulled and the petitioners declared winners. The five States affected were Edo, Ondo, Ekiti, Osun and Rivers. The focus of the analysis of this study shall be on these States. The longitivity of most of the elections petitions however, portended succession crisis. It

was only the petition in respect of Rivers State filed by Hon. Rotimi Amaechi that was decided reasonably in good time, perhaps due to the fact that it was hinged on technical/ procedural issue which was an intra-party affair. Furthermore, what makes this study a worthy exercise is that four (representing 80%) of the five annulled elections in which the petitioners were declared the winner, favoured some opposition Parties while the ruling Party (PDP) in such States was at the receiving end. Apart from this, the study also gives an insight into how INEC managed the elections in a way that culminated into such high number of annulled elections with the petitioners declared the winners. However, for proper analysis of the interest of this study, the States affected by gubernatorial succession crises will be treated individually.

#### **Edo State**

The Edo State Governorship election like other gubernatorial elections was held on 14th April, 2007. The election was preceded by political bickering orchestrated by the activities of some godfathers. Principal among them were, Chief Tony Anenih, a former Chairman of Board of Trustees of the PDP and then Minister of Works for the Federation; and Chief Gabriel Osawaro Igbinedion, the Esama of Benin and the father of the then incumbent Governor of the State, Lucky Igbinedion. The two personalities were the godfathers of Governor Lucky Igbinedion when he contested and won the elections of 1999 and 2003. Consequently, they had interest in who would succeed him as the Governor of the State. This explained why the duo supported the candidature of Senator Oserhiemen A. Osunbor, the PDP candidate, who also enjoyed the support of the Presidency. However, analysts were of the view that the era of Lucky Igbinedion as a two time Governor of the State was bedeviled by 'leadership problem'. For instance Abutudu and Obakhedo (2009:241) posited that "performance or the delivery of the so-called dividends of democracy are (were) far from the minds of these elected officials. Their actions are (were) often governed by the logic of unbridled personalization of public resources in the service of 'the leader(s)' and self". They concluded their submission by asserting that: "it was the general climate of popular sentiment of non-performance, alienation of the public from government and State oppression that set the stage for the April 2007 Elections in Edo State" (Abutudu and Obakhedo, 2009:24). This anomaly notwithstanding, the leadership of PDP in Edo State appeared not to have the belief that accountability had little or no role to play in electoral exploit as it forged ahead to win the gubernatorial poll of the State.

Apart from the issue relating to the problem of leadership and accountability in the State, there was a fierce contest among the different sections of the State as per which Senatorial District would produce the successor of Governor Lucky Igbinedion who hails from Edo South Senatorial District. The PDP candidate (Senator O.A. Osunbor) hails from Edo Central which had produced a Governor (Professor Ambrose Alli) of the State before in the Second Republic. In addition to this, he was reported to hail from Inuekpen the home town of the then First Lady (Stella

Obasanjo). Thus leaving Edo North out as the only Senatorial District that has not produced the Governor of the State. This study is of the view that the choice of Osunbor was a political miscalculation especially in a State that was then ethnically Balkanized. However, this loophole was exploited by majority of the opposition Parties in the State, an example of which was the Action Congress (AC) later known as the Action Congress of Nigeria (ACN) and which has metamorphosed into All Progressives Congress (APC). Comrade Adams Oshiomole who was the candidate of the Party hails from Edo North an area that has not produced an elected Governor of the State before. The foregoing issues were what governed the voting behaviour of an average voter in Edo State and they also shaped the outcomes of the gubernatorial elections in the State in 2007.

Twelve Political Parties fielded candidates for the 2007 Gubernatorial Elections in Edo State. But the main contestants were the candidates of AC, Adams A. Oshiomole and that of PDP, Senator Oserhiemen A. Osunbor who hail from Edo North and Edo Central respectively. It is noteworthy that Edo North, densely populated by Muslims had alleged marginalization in the past. Consequently, the people of the area saw the election as an opportunity for them to make a political break-through in the State. In its report on the governorship election in Edo State, the European Union Election Observation Mission (EUEOM) observed that the election was marred by a number of irregularities leading to the disenfranchisement of a large number of voters (EUEOM, 2007:32). However, at the end of the poll, the Independent National Electoral Commission (INEC) declared Senator Osunbor, the candidate of the PDP, the winner of the election. The Commission reported that he polled a total of 329, 740 votes while Oshiomole garnered 197, 492 votes (Otohogua, 2009).

Oshiomole, the candidate of the AC, challenged the outcomes of the election at the Edo State Election Petitions Tribunal two weeks after the results were announced by the INEC. He hinged his submission on the fact that the election was bedeviled by "Multiple Voting, ballot-stuffing, falsification of results and violence which made the elections not to conform to their Electoral Act". (*The Punch* April, 26, 2007:3). INEC (2007:68) also reported that there were reported cases of violence and disruption of voting in Oredo, Ikpoba, Okha, Etsako Central and Akoko-Edo Local Government Areas during the Governorship election on 14th April, 2007. The legal battle which began in April, 2007 did not end until November 2008 when his mandate was restored to him by the Appeal Court.

The Edo State Election Petitions Tribunal delivered its judgment on March 20, 2008. In a unanimous decision, the Chairman of the Tribunal, Justice Peter Umeadi who read the judgment upturned the election victory of Senator Osunbor, the candidate of PDP and declared Comrade Oshiomole, the candidate of the AC, the winner of the election. He said in the judgment that Oshiomole scored 166, 577 lawful votes to beat the candidate of PDP, Senator Osunbor who polled 129,017 valid votes. He therefore ordered INEC to withdraw the certificate issued to Osunbor and give another one to Oshiomole (Obe and Mojeed, 2008:2). The Judge further said

that Oshiomole and the AC were able to prove that the declaration by INEC that Osunbor won the election did not conform to the provisions of the Electoral Act. He further said that "the PDP and Osunbor failed to contradict the evidence adduced by the AC and Oshiomole about irregularities and manipulation of results. The Tribunal also indicted INEC in its unanimous judgment. The Election Management Body (EMB) was accused by the Tribunal of failing to adduce documentary evidence to support their claims that the election was peaceful, normal and that it conformed with the Electoral Act" (Obe and Mojeed 2008:2) This aspect of the judgment revealed administrative incompetence on the part of INEC in managing the election. The outcome of the case notwithstanding, the candidate of PDP, Senator Osunbor, who was then the sitting Governor of Edo State filed his notice of Appeal at the Federal Appeal Court Benin which was then the highest Court of Appeal for Governorship election in the country, almost immediately. The development prevented the INEC from withdrawing his Certificate of Return from him and gives same to Oshiomole.

The Federal Court of Appeal, Benin, Edo State entertained the petition between April 2008, when the hearing began and November 11, 2008 when judgment was delivered. In its judgment, the Court upheld the March 20, 2008 verdict that Oshiomole and not Osunbor won the April 14, 2007 Gubernatorial Poll. It ordered that the Certificate of Return be withdrawn from Osunbor and same given to Oshiomole immediately. Thus, ending a nineteen month succession crisis in Edo State. However, it is imperative to note that the then National Chairman of the PDP, Prince Vincent Ogbulafor after the verdict of the Edo Election Petitions Tribunal of March 20, 2008 while pre-empting a re-run election which never be, after the Appeal Court might have delivered its judgment was quoted to have said that "the realities on the ground will make the State (Edo) a very hard nut to crack" (Samuel, 2008:6) He stated further that "the opposition, as constituted by the Action Congress (AC) was formidable in Edo". With this declaration, one is tempted to question the rationale for the Appeal of the PDP and its candidate (Osunbor). A reason that can be advanced is pure procrastination of action so that the illegal occupant of the office (Governor) could continue to enjoy its (office) perquisites. Oshiomole captured this scenario in his inaugural speech on November 12, 2008 when he was sworn-in as the Executive Governor of Edo State. He posited that:

I am aware that there are many of our supporters who are angered and pained by what we have had to go through in the past 19 months. Some of them may even be nursing the spirit of vengeance. My friends, there are so much to be done. Hate and vengeance can only suffocate and impede the clarity of thought and purpose. The battle has been fought and won (Soriwei, et al, 2008:7).

The above quotation gave the picture of the local issues that surrounded the Edo State 2007 Governorship Election and what precipitated succession crises in the State.



**Ekiti State**

Like other Governorship elections held in Nigeria in 2007, Ekiti Governorship election took place on 14th April, 2007. The election was contested by nineteenth (19) Political Parties out of fifty (50) that were operating in the country then. Of these Parties, the major contenders were the Peoples Democratic Party (PDP), Action Congress (AC), Alliance for Democracy (AD), All Nigeria Peoples Party (ANPP) and National Conscience Party (NCP).

Before the April 21, 2007 Governorship Election in Ekiti State, the State had witnessed series of political crises which later culminated in the impeachment of Ayo Fayose as the Governor of the State in October 2006. As a result of the intra-party crisis of PDP between the then Governor of the State, Ayo Fayose and some Party leaders in the State, which snow-balled to a State affair, the Federal Government had to declare a 'State of Emergency' in the State on October 15, 2006 which lasted for six months. The problem however, remained unabated after the period of the emergency rule. High scale of political killings preceded the declaration of State of Emergency in the State. A case in point was the assassination of Dr. Ayo Daramola a Gubernatorial hopeful of the PDP. This development was in tandem with the position of Umar (2009) who while commenting on the pre-2007 spate of political killings in the country posited that "the seemingly quick resort to the elimination of perceived or real political enemies, casts ominous doubt as to whether the political class, in particular, have learnt any lessons from the country's past. It also significantly, interrogates the capacity of the government to promote the attainment of the citizens' basic rights to security of life and property, as guaranteed by the Nigerian Constitution" (Umar, 2009:23).

The genesis of the crisis that preceded the 2007 Governorship Election in Ekiti State was traceable to the fall-outs of the 2006 Governorship primaries of the PDP, in the State. With the impeachment of Ayo Fayose in October 2006, the coast was clear for the other party (PDP) members for the plumb job. When the Gubernatorial Primary Election of PDP was contested in December 2006 it was reported that Chief Yinka Akerele won the slot of his Party. Coming second was Professor Adesegun Ojo while Segun Oni came a distant third (Onyewuchi, 2009:15). However, it was the then incumbent President of the country, Chief Olusegun Obasanjo, who persuaded Akerele to step down for Oni. According to Onyewuchi (2009) when Akerele declined to relinquish his mandate voluntarily, the presidency was alleged to have used the Economic and Financial Crimes Commission (EFCC) to wave some spurious petitions against him. That development rendered him politically impotent and cleared the coast for Segun Oni as the Party's flag-bearer in the election. However, Akerele who was said to be in control of at least two-thirds of the PDP apparatus in Ekiti State was on vendetta mission in 2007 (Onyewuchi, 2009:15).

Apart from the intra-party crises that engulfed the PDP, opposition Parties also posed as a hard nut for the PDP to break. Foremost among them was the Action Congress (AC) which was formed by a splinter group of the Alliance for Democracy

(AD) which was the party-in-government in Ekiti State between May 29, 1999 and May 28, 2003. AC was formed in August 2003 to re-position the political philosophy of the founding-fathers of the Party and to re-strategize toward re-controlling South-West Geo-political zone which AD lost to the PDP during 2003 elections. This scenario therefore explained the desperation of the Party in Ekiti State during the 2007 electoral process. However, worthy of note was the fact that the Gubernatorial Poll was held in the State during the period of 'Emergency Rule' headed by Major-General Adetunji Olurin (rtd.) an age-long associate of President Olusegun Obasanjo who appointed him to serve in that capacity. The Probe Panel raised by the then Chief Judge of Ekiti State, Justice Kayode Bamisile, had earlier indicted Governor Ayo Fayose and his deputy, Mrs. Abiodun Olujimi. Consequently, they were both impeached by the State Assembly as Governor and Deputy Governor respectively in October, 2006. This paved the way for the then Speaker of the State Assembly, Chief Friday Aderemi, to be sworn in as the Acting Governor of the State by the Chief Judge of the State, Justice Kayode Bamisile. However, it was reported that the Presidency's initial motive for 'instigating' the probe was to make Mrs. Olujimi to be sworn in after Fayose might have been impeached (Okanlawon, 2006). Consequently, when the table turned against the Deputy Governor, President Olusegun Obasanjo allegedly directed the Acting Governor, Chief Friday Aderemi, to reverse her indictment and vacate the position so that she could be sworn-in as the Governor of the State in replacement of Ayo Fayose. It was the refusal of Chief Adeyemi that precipitated the State of Emergency in Ekiti State (Okanlawon, 2006: 1&4). However, this study is of the view that President Obasanjo took the action so that he could have a 'trusted' person at the helms of affairs of the State by the time 2007 elections were conducted. This was done with the intention of giving his Party, PDP an upper hand against other Parties contesting elections in the State during the 2007 electoral process. This study is however, of the view that it was a misuse of power. But more importantly, it showed the desperation of a political actor in clinging to power at all cost.

In fact, President Olusegun Obasanjo had earlier described the 2007 Polls as "a -do-or-die affair" and as "a matter of life and death for the PDP and Nigeria" (Odebode, 2007:13). But in tandem with the adage that says that no body has a monopoly of violence, the opposition Parties were equally desirous and desperate in winning the State. In the vanguard was the AC which had been earlier described as a break-away group of AD in this work. The Party also showed its desperation in its preparedness to meet force with force during the 2007 elections. This statement was made by its national leader, Asiwaju Ahmed Bola Tinubu. He was quoted to have said that the 2007 elections "may be hotter than the battle for Baghdad, more ferocious than the battle for Fallujah in Iraq" (Mumini, 2005:10). The foregoing gave a picture of the prevailing political situation in Ekiti State as at the time the 2007 Governorship Election was held there.

At the conclusion of the April 14, gubernatorial poll in Ekiti State, INEC declared Engineer Olusegun Oni, the flag-bearer of the PDP, as the winner of the

election. The outcome of the election however, contradicted the results of the State (Ekiti) House of Assembly Elections in which AC won 13 seats as against PDP which captured 11 seats of the twenty four (24) of the twenty six (26) Assembly seats in the State, declared. Two petitions were filed against the outcome of the Gubernatorial Election by the candidates of the AC and National Conscience Party (NCP). However, the candidate, of the NCP later withdrew his petition and teamed up forces with the candidate of AC in the election.

Dr. Kayode Fayemi, the candidate of the AC challenged the outcome of the election before Ekiti State Election Petitions Tribunal. He called for fresh elections in eleven (11) Local Government Areas (LGAs) out of the sixteen (16) LGAs in the State because it was either that elections did not hold in most Polling Units or they were characterized by violence and all other forms of irregularities. In essence he hinged his petition on what he described as 'gross irregularities' and argued that he be declared as the winner of the election. The Tribunal headed by Justice Bwala, in its judgment delivered in August 2008 upheld the election of Engineer Segun Oni but Dr. Kayode Fayemi appealed against the judgment at Election Petitions Appeal Tribunal (Federal Court of Appeal Sitting in Ilorin). In its judgment of February 2009 the Appeal Tribunal found the Governorship Poll conducted in the State in 2007 to be deficient. It then ordered that election should be conducted again in 63 Wards out of 177 Wards in the State, within ninety (90) days (Politics, *Sunday Punch*, May 17, 2009:11).

The decision of the Court however, gave AC a substantial lead in the already counted votes. The appellate Court also mandated the Chief Judge of the State to swear-in the Speaker of the State's House of Assembly, Mr. Tunji Odeyemi, as the acting Governor of the State until the conclusion of the re-run election.

The re-run election was conducted in the 63 Wards of the State on April 25, 2009. INEC officers who conducted the election were brought from other States of the Federation. This was with the view of guaranteeing their impartiality. However, this later turned out to be a wrong antidote because their activities showed that they were not immune from electoral malpractices. They were accused of receiving bribes from the candidate of the PDP through one Hon. Olumide Yomi (Fabiye, 2009:2). The cat was let loose when an INEC official, Mr. John Onaji, from INEC office in Abuja was not given his own share of the gratification which was #100,000. Apart from bribery allegation that characterized the election, the election, was also reported to be marred by violence, late arrival of election materials, arrests and intimidation of political opponents orchestrated by soldiers, who were brought in, to 'maintain peace, law and order'. This development was not unconnected with the earlier threat of the then Speaker of House of Representatives, Hon. Dimeji Bankole who was quoted at a rally preceding the re-run election held at Igede-Ekiti on April 4, 2009 that:

We (PDP) will use soldiers (for this election), the other time we used MOPOL (Mobile Policemen) we will use soldiers (Oyedele and Onyeche, 2009:9).

The declaration of the election results of 63 wards which ordinarily should take some hours, was not concluded until ten (10) days after (May 4, 2009). The then Resident Electoral Commissioner (REC) of the State, Mrs. Ayoka Adebayo, had to suspend the announcement of election results mid-way and at a point in time, had to resign her appointment as the REC due to the pressures mounted on her by the power-that-be to accept the 'fake results' of Ido-Osi, the home town of Engineer Segun Oni, the candidate of the PDP. She later withdrew her resignation on April 30, 2009 after the intervention of the INEC Chairman, Professor Maurice Iwu. Mrs. Ayoka who was earlier quoted to have said that "they want me to announce fake results. I can't at my age, for how much" (Adeoye, et al, 2009:2) later went ahead to accept the controversial results of Ido-Osi and declared Engineer Segun Oni as the winner of the re-run election.

The final results of the elections as announced by the REC showed that the candidate of the PDP, Engineer Segun Oni, polled a total of 111,140 votes to defeat Dr. Kayode Fayemi who garnered 107,017 votes (Adeoye, et al, 2009:1-2). However, shortly after the election results were announced, AC gave notice through its representative at the Collation Centre, that it would challenge the outcome of the election. The REC, Mrs. Ayoka, also admonished losers to seek redress in Court and not to take laws into their hands. Consequently, the candidate of the AC went back to trenches and filed petition against the election results on 25th April, 2010. The re-constituted Tribunal headed by Justice Haruna Barka, in a split decision of three to two; ruled in May 2010 that engineer Oni was validly elected with 109,000 to Fayemi's 106,000 Votes. Dr. Fayemi however, appealed against the judgment. He eventually reclaimed his election victory on October 15, 2010 through the judgment of the re-constituted Election Appeal Tribunal headed by the then President of the Court of Appeal of the Federation, Justice Ayo Salami. The Tribunal, in a unanimous judgment voided the controversial election results of Ido -Osi and Ijero, berated the INEC in its judgment for the poor way it handled the bye-election and that Dr. Kayode Fayemi won the election having defeated Oni by 10,965 votes contrary to earlier verdict by INEC and the lower Court and ordered that he should be sworn-in as the duly elected Governor of the State immediately (*The Punch*, October 16, 2010:1-2). However, Engineer Segun Oni later appealed against the judgment of the Panel in November, 2012 at the Supreme Court of Nigeria. In the appeal, he urged the Court to set aside the October 15, 2010 judgment of the Court of Appeal on the grounds of alleged likelihood of bias on the part of the Panel of the appellate Court. He further prayed the Court that the suspended President of the Court of Appeal, Justice Ayo Salami who constituted and presided over the Panel and also wrote the lead judgment that sacked him from office, had a close affinity with Chief Bola Ahmed Tinubu the national leader of the ACN which is Fayemi's Party (Chiedozie, 2013:6). However, the Supreme Court in a unanimous decision on May 31, 2013 struck out the appeal in which engineer Segun Oni asked the Court to remove Governor Kayode Fayemi and return him to office. The seven-man Panel of the Justices of the Supreme Court led by Justice Tanko held that the apex court had no



jurisdiction to hear the appeal on the ground that the matter emanated from a decision of the Court of Appeal which Section 246(3) of the 1999 Constitution of the Federal Republic of Nigeria provided was the highest Court of Appeal for Governorship election (Chiedozie, 2013:6). If the Court had decided otherwise, this would have opened a new chapter in the electoral history of the country. But more importantly, as shown by the different analyses of this section of the study, INEC should be held responsible for the trauma because it did not manage the election of April 14, 2007 and the rerun election of April 25, 2009 well in the State.

### **Ondo State**

The Gubernatorial Election of Ondo State during the 2007 elections was held on April 14, 2007. The election was contested by Governor Olusegun Agagu who was seeking re-election into office and some of the candidates of the opposition Parties in the State. Among them was Dr. Olusegun Mimiko (popularly called the Iroko of Ondo Politics) a former Secretary to the Ondo State Government under Governor Agagu and a former Federal Minister under President Obasanjo administration. The election was preceded by political intrigues between Governor Agagu and Dr. Mimiko. Both were originally, members of the PDP. The desire of Dr. Mimiko to challenge Governor Agagu in 2007 during his then Party's (PDP) primaries propelled the rift between the two 'giant' political figures. However, Governor Agagu had the feeling that Dr. Mimiko rode on his back to become a Federal Minister having been nominated by his administration; therefore he should not have challenged him.

It was also reported differently that Dr. Mimiko did not get the support of Governor Agagu before being appointed as a Federal Minister in 2006, by the administration of President Olusegun Obasanjo, (Okanlawon, 2009:59). Added to all this was the rivalry between the people of Akure and other parts of the State. The argument of the Akure people was that despite the fact that Akure is the capital of Ondo State, it has not produced the Governor of the State. Dr. Mimiko hails from Akure and this explained why he was given support by his people. But more importantly, the failure of Dr. Mimiko to get his then Party's (PDP) mandate forced him out of the PDP and made him to defect to an unpopular Party, Labour Party (LP) in his State. But because of his popularity in the State, Dr. Mimiko later registered the name of the Party (LP) in the political map of Nigeria.

At the conclusion of the Gubernatorial Poll, Governor Agagu was declared the winner of the election by the INEC. The governorship candidates of three Parties (LP, AC and Democratic Peoples Party- DPP) in the State challenged the outcomes of the election. In their separate petitions, they, among other things alleged that the PDP used the Police, Navy and the Army to terrorize legitimate voters and they were also used to hijack election materials in some cases. More importantly, Dr. Mimiko in his own petition filed on April 15, 2007 barely 24 hours after Agagu was declared the winner, alleged that the election was marred by irregularities ranging from over voting, multiple thumb printing, signing of election results by political office holders,

among others. It is noteworthy that all these border on election management which is the responsibility of an Election Management Body (EMB). Dr. Mimiko in his petition therefore prayed the Tribunal to declare him the winner of the Poll. He hinged his argument on the fact that Governor Agagu did not score 25 per cent of the total number of lawful votes cast in twelve (12) of the 18 Local Government Areas (LGAs) of the State, contrary to Section 179 (2) of the 1999 Constitution of the Federal Republic of Nigeria. He further prayed the Tribunal to order for fresh elections in four LGAs of the State where irregularities marred the Poll. Dr. Mimiko finally prayed the Tribunal that as an alternative to this, "a fresh election be ordered throughout Ondo State in accordance with the provisions of the Electoral Act No. 6, 2006" (*Saturday Punch*, April 21:2007, A3).0

In his own petition, the DPP's governorship candidate, Mr. Olusola Agbesua argued that "Dr. Olusegun, Agagu was at the time of the election, not qualified to contest for the governorship election of April 14, 2007, by reason of his indictment for embezzlement or fraud by the Justice Nwazota Judicial Commission of Inquiry and the report of the Tribunal, which indicted him has been accepted by the Federal Government" (*Saturday Punch*, April, 21 2007:A3). He added in the petition that his (Agbesua) photograph and name were wrongfully and unlawfully excluded from the ballot papers during the election. This study is of the view that all these border on lapses in the management of the election by the INEC. However, based on these, Agbesua, prayed the Tribunal to nullify INEC's declaration that Governor Agagu won the governorship election in Ondo State. The AC candidate, Mr. Ademola Adegoroye, equally prayed the Tribunal to set aside the election victory of Governor Agagu based on the fact that he did not win the majority of the lawful votes cast during the governorship election. However, of the three cases, the one that propelled interest most was the petition of Dr. Mimiko. Moreso, it was pursued to the level of Election Petitions Appeal Court. Consequently, this study will be situated along that axis.

Judgment was delivered on 25th July, 2008 by the Ondo State Election Petitions Tribunal in respect of the petition filed against the purported election victory of Governor Olusegun Agagu by the Labour Party's candidate, Dr. Olusegun Mimiko. The Tribunal, in its judgment read by its Chairman, Justice Nabanuma, nullified the election of Governor Olusegun Agagu and declared the governorship candidate of the Labour Party, Dr. Olusegun Mimiko as the duly elected Governor of Ondo State. The Tribunal held that Dr. Mimiko (the Petitioner) was able to prove allegations of malpractices over the conduct of the April 14, 2007 Governorship Election in Ondo State. It further held that the election was bedeviled by irregularities in the whole of Ilaje and Irele Local Governments. Based on this anomaly, the Tribunal nullified wholly, the elections of the two Local Government Areas (L.G.As) for failure to comply with the 2006 Electoral Act (Oladoyinbo, 2008:11). It is noteworthy that these two LGAs were known to be the stronghold of the PDP in Ondo State moreso, Governor Agagu hails from the area. The Tribunal also nullified partly, election results in eight out of the eighteen (18) L.G.As of the

State. They were Akure North, Akoko North East, Akoko North West and Ile-Oluji/Okeigbo, Okitipupa, Ese Ondo, Ose and Odigbo. After the cancellation of the unlawful votes recorded for both Parties by INEC in the affected ten (10) L.G.A.s either wholly or partially, Dr. Olusegun Mimiko had 198,269 votes as against Governor Agagu who had 128,669 votes (Oladoyinbo, 2008:11). The Tribunal in its judgment read by its Chairman, Justice Nabaruma thereafter directed INEC to issue a 'Certificate of Return' to Dr. Mimiko and ordered that he should be subsequently sworn in as the Governor. However, it is imperative to note that the petition lasted for fourteen (14) months before its conclusion. Governor Agagu however, filed an appeal against the judgment at the Court of Appeal sitting in Benin, Edo State, in August 2008. Governor Agagu in his appeal canvassed twelve (12) issues for determination. Some of them included that the Electoral Officers were not properly joined; composition/ or change in the composition of the Tribunal which heard the petition; that the ballot papers were examined by the Election Petitions Tribunal in the comfort of its chambers; the admissibility of documentary evidence, especially the State Security Service report; that the Tribunal fell into grave error when it based its decision on evidence and facts which were not pleaded; that Mimiko's petition was not competent; and that the Tribunal was right in declaring Dr. Mimiko as winner of the April 14, 2007 Poll (Okanlawon, 2009). Because of petitions and counter petitions coming from both Parties, the then President of the Court of Appeal Justice Umaru Abdullahi, had to take over the Chairmanship of the Court of Appeal that heard the appeal. In the judgment of the Court of Appeal on February 22, 2009 read by Justice Umaru Abdullahi, all the issues canvassed by Governor Agagu were set aside because they were "misconceived". However, the most significant aspect of the judgment was the indictment of INEC and the Police. The Court berated INEC and the Police for their partisan roles saying that:

It is none of their business to decide the person whom the electorate elect and consequently declared by the court to be the winner and person returned. The primary functions of these purported appellants (INEC and Police) are to ensure that there is fairness and security at the election. Public Policy demands that the two institutions do not descend into the arena and theirs is to tend the rope in the interest of peace and stability in the land. Thus they should learn to remain neutral and strive to attain the aura of neutrality bestowed on them by the constitution of Nigeria (Okanlawon, 2009:4)

It is imperative to note that the sordid ways both the INEC and the Police handled the election negated the Standard Operating Procedure (SOP) governing election management in any political system. Both actors should be politically neutral in the discharge of their statutory responsibilities so as to win the accolade of all the electoral stakeholders in any electoral dispensation. In line with this position, the

Court commended the Army and the Nigerian Navy who were equally joined as respondents for maintaining their unique roles (security) during the April 14, 2007 Poll (Okanlawon, 2009). After examining all the issues raised by Dr. Agagu, the Court declared Dr. Mimiko as the winner of the April 14, 2007 Governorship poll and after the corrections made by it, the Labour Party (LP) had 195,030 votes as against PDP which got 131,555 votes. It ordered the removal of Agagu from office after announcing the nullification of his election and the swearing in of Dr. Mimiko as the Governor of the State with immediate effect. Thus, putting an end to twenty two (22) months of succession crisis which began in April 2007.

#### **Osun State**

The Gubernatorial Poll was also held in Osun State on April 14, 2007 like most States in the Federation. The election was contested by the candidates of thirteen of the fifty (50) Political Parties that were then operating in the country. The Political Parties were: PDP, AC Democratic Peoples Party (DPP) Republic Party of Nigeria (RPN) Action Alliance (AA) United Nigeria Peoples Party (UNPP) African Democratic Congress (ADC) Labour Party (LP) All Progressive Grand Alliance (APGA) Alliance for Democracy (AD) Progressive People Alliance (PPA) and Democratic Peoples Alliance (DPA). However, the contest was mainly between the then sitting Governor of the State, Prince Olagunsoye Oyinlola, the candidate of the PDP and Engineer Rauf Aregbesola, a former Commissioner of Works in Lagos State under the administration of Governor Bola Ahmed Tinubu, who was the flag-bearer of the Action Congress (AC).

The Gubernatorial Poll in the State was preceded by a number of political developments. One of them was the 'rivalry' between the different linguistic groups or Senatorial Districts in the State over which of them would produce the next Governor of the State. Osun State was created in 1991. It is composed of three Senatorial Districts viz Ife/Ijesha Senatorial District (otherwise known as Osun East Senatorial District), Osun West Senatorial District and Osun Central District. The argument that divided the political actors (PDP members inclusive) in the State was in respect of the Senatorial District to produce the State Governor in 2007. What compounded the problem was the desire of the then sitting Governor of the State, Prince Olagunsoye Oyinlola to seek for his Party's (PDP) mandate to contest for a second term. Governor Oyinlola (an indigene of Okuku in Odo-Otin LGA) like his predecessor in office, Chief Bisi Akande, an indigene of Ila-Orangun, hail from Osun Central District. Ordinarily, one would have thought that this should have left the District out of the political calculations of 2007. However, this was not to be, because Prince Oyinlola was interested in seeking for a second term in office. His decision however, pitched him against some of the leaders of his Party (PDP) (for example, Alhaji Liadi Tella and Senator Iyiola Omisore) in the State who felt that power must shift to another Senatorial District in the State. Alhaji Liadi Tella pressed for power shift to Osun West Senatorial District while Iyiola Omisore argued in favour of power-shift to Ife /Ijesha Senatorial District. However, Omisore later



dropped the argument and aligned himself with the sitting Governor, Oyinlola, due to the intervention of Ooni of Ife, Oba Okunade Sijuade who maintained an open rapport with Governor Oyinlola and his Party (PDP). This was not until Oyinlola had agreed to give support to the ambition of Omisore in becoming the Governor of the State in 2011 (Olatundun, 2008).

Since the creation of Osun State in 1991 Osun West Senatorial District had produced the Governor of the State once, in person of Alhaji (later Senator) Isiaka Adeleke who ruled for a period of 22 months between 1992 and 1993. Consequently, the people of the District argued that power should shift to their area in 2007. However, being a Prince and the son of a former frontline traditional ruler in the State (Olokuku of Okuku) Governor Oyinlola got the sympathy of the then Ataoja of Osogbo, Oba Matanni, and the then Timi of Ede, who both prevailed on their subjects to support Governor Oyinlola in his second term ambition. Expectedly, Governor Oyinlola received the massive support of his Party members and some people in Osun Central District where he hails from. The only part of the District where he had problem was Ila-Orangun the home town of Chief Bisi Akande the then National Chairman of Action Congress (AC) and a former Governor of the State. Similarly, the people of Ijesha displayed open opposition to Governor Oyinlola's ambition for second term in office in 2007. In fact, throughout his tenure as the Governor of the State both Oyinlola and Owa Obokun (the paramount ruler of Ijesha land) Oba Adekunle Aromolaran, maintained a 'cat and mouse' relationship. The argument of the Ijeshas was that it was Oyinlola who robbed them of their right to rule the State even in 2003. According to them, since both Osun West Senatorial District and Osun Central Senatorial District had produced the Governors of the State in 1992 -1993 and 1999-2003 respectively, it was their turn to produce the Governor in 2003 when Oyinlola 'hijacked' the position. Consequently, they renewed the agitation in 2007.

However, this study is of the view that the AC must have studied the political calculations in the State before picking an Ijesha man in person of Engineer Rauf Aregbesola as its Party candidate for the 2007 gubernatorial contest. This therefore, explained the reason why Ijeshaland became the stronghold of the AC prior to the 2007 elections and when the governorship election was later held in 2007, the people of the area gave an overwhelming support to the 'son of the soil', in person of Engineer Rauf Aregbesola the candidate of AC. The argument of the Ijeshas was that they have not been given the opportunity to produce the Governor of the State since its creation in 1991. However, in opposition to this claim, the other Senatorial Districts were of the view that the claim of the Ife/Ijesha Senatorial District was not correct because they have produced political office holders in the past. They were Chief Bola Ige who served as the Governor of old Oyo State from which Osun State was carved out between 1979 and 1983, Sir Adesoji Aderemi, Governor and later Governor-General of Western Region from 1952 to 1962 and Chiefs Fadahunsi and Fani-Kayode who also served as the Deputy Premier of Old Western Region at different times in the First Republic. However, without prejudice to the argument of this group, this study is of the view that it was hypocritical and leprous in nature

because creation of a (new) State confers a new set of constitutional requirements and obligations on it. It also confers a new set of rights and obligations on the citizenry. Moreso, this study is on the succession crises in Nigeria with Osun State serving as one of its case study.

Intra-Party crises also characterized the pre-election period in the State. Olurode (2009:349) reported that there were incidents of cross-carpeting mostly from "weak" Parties to the ruling Party (PDP) in the State. The decampees were mainly either those who lost out in the primaries of their Parties or those looking for "political relevance" in the State. From experience, cross-carpeting may either strengthen a Party politically or weaken its base, numerically. The former is applicable to a situation where those individuals who have 'electoral value' decamp to another Party while the latter is applicable to a situation where decampees cause internal rifts in the Party they decamp to, an action which may force older members of the Party out of the fold. The list of those who decamped to the PDP which was the ruling party in the State included; Alhaji Shuaib Oyedokun, Ambassador Haruna Bidmos, Chief Abiola Morakinyo, Chief Remi Olowu, Chief Remi Wilson, Alhaji Gani Oladiran, Otunba Kunle Alao, Alhaji Bakare Akinola, Dr. Yemi Oladimeji and Barrister Bode Babalola among many others (Olurode, 2009:345-350). It is imperative to note that of these decampees, only Chief Remi Olowu was an Ijesha man. This further strengthens the earlier position of this study that the 2007 pre-election period had political colouration.

Aside from political issue, most public servants and Non-Governmental Organizations also had issues with the administration of Oyinlola on the spate of corruption in the State. It was alleged by them that his administration did not accord special attention to the welfare of public servants in the State. Those in the vanguard were the members of Nigeria Union of Teachers (NUT) and Nigeria Labour Congress (NLC). They later formed part of the campaign train of Aregbesola (Olatundun, 2008). This development affected the public image of the administration of Oyinlola before the April 14, 2007 gubernatorial election. Consequently, Olurode (2009:352) posited that the ruling Political Party in the State became extremely unpopular as the election(s) approached. It was under these conditions that the Gubernatorial Election of April 14, 2007 was held in Osun State. At the end of the poll, the then incumbent Governor of the State, who was the candidate of the PDP, was declared the winner of the election by the INEC. According to the Commission, he polled a total of 420,669 votes as against Engineer Aregbesola who garnered 240,772 votes (INEC, 2007).

Engineer Rauf Aregbesola and his running mate, Mrs. Laoye Tomori both candidates of the AC however, challenged the purported election victory of Governor Oyinlola by filing a petition before the State Election Petitions Tribunal in May 2007. In the petition, they alleged over-voting through stuffing of ballot boxes and thumb-printing by a few individuals in ten (10) LGAs of the State. The Councils included Atakumosa West, Ayedaade, Ede North Ife-Central, Ife-East, Ife South, Ifedayo, Isokan, Odo-Otin and Ola-Oluwa. Aregbesola and Laoye-Tomori, contended that

Oyinlola was not duly elected; added that the April 14, 2007 election should be voided on the grounds that it was marred by irregularities and that Oyinlola did not score two-thirds of the required votes. They further argued that the 420,662 votes recorded for Oyinlola by the INEC "were inflated and not a true reflection of the lawful votes cast in the election" (Odesola, 2010:5).

Based on the foregoing they prayed the Tribunal to allow them to conduct a forensic test of ballot papers used in the Governorship election. The Tribunal gave a conditional approval to this application by allowing them to conduct the forensic test with a proviso that the test should be conducted inside the premises of INEC office at Osogbo in "the presence of the other party, its representatives and other important officials including counsel to both the petitioner and the respondent" (*Tell Magazine*, March 24, 2008 quoted in Olurode, 2009:360) With this permission, Aregbesola invited a foreign forensic expert, Mr. Paul Jobbins, to the country to conduct forensic test on the ballot papers used during the governorship election of April 14, 2007. Mass media (both local and foreign) reported discoveries of incidents of multiple voting by the expert when the exercise lasted. On his part, Governor Oyinlola also engaged the services of a Statistician, Mr. Adeleke Babatunde of University of Ilorin to carry out the statistical analysis of the result.

The Tribunal in its judgment delivered by its Chairman, Justice N.D. Naromi in July 2008, ruled in favour of Governor Olagunsoye Oyinlola. It came to the conclusion that "the petitioners have not established by credible evidence the acts of violence, non-compliance with the Electoral Act 2006, widespread irregularities which substantially affected the results of the election for the office of the governor of Osun State" (*Newswatch*, July 21, 2008 quoted in Olurode, 2009:360-361).

The judgment of the Tribunal elicited the reaction of the petitioner. It accused the Tribunal of fraternizing with the counsel of the defendant in person of Barrister Kunle Kalejaiye. The petitioner proved the allegation of bias against the petitioner (Aregbesola) at the Elections Appeal Tribunal sitting in Ibadan which in its judgment ordered a re-trial of the case. This nonetheless prolonged the case. The then President of the Appeal Court, Justice Umar Abdullahi re-constituted the Osun State Election Petitions Tribunal in line with the judgment of Appeal Court where Aregbesola sought for a re-trial of the case. The re-composed Tribunal was made up of the following five members: Justices Garba Ali (Chairman) (Yobe State) Abimbola Ogie (Benue) Aliu Mohammed (Kaduna) Haruna Bashir (Kebi) and Agabtan Benedict (Enugu). It is imperative to note that none of these Justices was serving in South-West. The re-composed Tribunal re-tried the case all over again and finally delivered its judgment on May 28, 2010.

In a unanimous verdict that was full of surprises, the Tribunal upheld the election of Governor Oyinlola. Reading the judgment on behalf of other members, Justice Garba Ali who was the Chairman of the Tribunal, dismissed all the evidences provided by the eighty-eight (88) witnesses who testified for the AC. On the ten (10) LGAs where the petitioners- Aregbesola and Tomori- Laoye his running mate – said there were massive irregularities, the Tribunal ruled that the petitioners failed to

prove their allegations in the ten (10) LGA listed in their petition. On the allegations of violence and insecurity in some parts of the State during the election, the Tribunal ruled that the petitioners should have presented in Court voters who were injured, ballot materials that were stuffed and boxes that were snatched, instead of bringing Ward Supervisors to Court. It said the evidences deposed to by Ward Supervisors amounted to hear say because they were given some of the evidences they presented in Court, by Party Agents (Odesola, 2010:5). Furthermore, the Tribunal ruled that the evidences of Mr. Paul Jobbins, the forensic expert engaged by Aregbesola to scrutinize the ballot papers used during the election were doubtful and subjective adding that "the possession of academic qualifications was not a guarantee that the evidence given by such an expert was unassailable" (Odesola, 2010). In a similar vein, the Tribunal dismissed the evidences of one of Oyinlola's witnesses, Mr. Adeleke Babatunde, a University of Ilorin lecturer on the ground that the statistical analyses made by him were inconsistent. In what appeared like the balance sheet, the Tribunal also dismissed the evidence of the forensic expert of Governor Oyinlola, Rev. A. Nkong, saying "the evidence was not reliable". In what appeared like a subjective decision, the Tribunal voided the election in two wards in Boripe Local Government Council on the ground that the evidences given by the witnesses of Governor Oyinlola suggested that the election was vitiated with non-compliance with the Electoral Act, 2006. This study views this decision as a subjective one because the same Tribunal did not see any sense in any of the evidences provided by 88 witnesses of Aregbesola including his petition on the ten (10) LGAs where he alleged electoral irregularities. The Tribunal concluded that:

The 1st respondent Governor Olagunsoye Oyinlola was duly elected in compliance with the provisions of the Electoral Act. The Tribunal therefore holds that the allegations of irregularities are not substantial to order fresh elections (Odesola, 2010:5).

The judgment of the Tribunal was faulted by the petitioners and they gave notice that they would appeal against it at the Appeal Court. It was in the midst of the crisis that Justice Ayo Salami became the President of the Appeal Court in 2010. He reconstituted the Appeal Tribunal with Justice Clara Ogunbiyi serving as the Chairman. In its unanimous ruling of November 26, 2010, the five-man panel admitted the results of the forensic tests and ruled that there were clear evidences of multiple voting and ballot-box stuffing during the gubernatorial election of April 14, 2007. It subsequently, declared Engineer Rauf Aregbesola as the duly elected Governor in the April 2007 Gubernatorial election in Osun State. Having deducted the annulled votes from Oyinlola's votes he was left with 172,880 lawful votes, as against Aregbesola's 198,799 votes. The Court arrived at the decision after annulling election results in ten (10) out of the thirty (30) Local Government Areas (L.G.A.s) in the State. The Court based its decision on the ground that the election in the affected areas were characterized by electoral malpractices and irregularities; and did not



conform substantially to the provisions of the Electoral Act 2006 (Adetayo, 2010:5). It therefore ordered INEC to withdraw the Certificate of Return earlier issued to Oyinlola and issue a fresh one to Aregbesola. The Court also berated the Tribunal that earlier entertained the case. According to Justice Ogunbiyi in her judgment, the Tribunal did "a shoddy job and glossed over many inconsistencies" (Adetayo, 2010:5). It is noteworthy that the case was not concluded until six months to the expiration of the illegal tenure of Governor Oyinlola. The first tenure of Aregbesola could have ended in May 2011. However, the judgment was also received with mixed reactions by Nigerians especially the PDP family. The body accused Justice Ayo Salami of bias and argued that it had evidences against him confirming 'unethical communications' between him and the leader of AC, Chief Bola Ahmed Tinubu. MTN Network was dragged into the issue and the allegation was eventually tabled before the National Judicial Council (NJC) by Chief Sunday Ojo Williams, the then acting Chairman of PDP in Osun State. He accused Justice Salami of corrupt practices in the appeal that sacked Oyinlola (Adewole and Banjo, 2011:4). The NJC faulted the role of Justice Ayo Salami in the saga; queried him, and later suspended him from office as the President of Federal Court of Appeal in August 2011. The action of the NJC has since become a subject of litigation between it and Justice Ayo Salami up till the period of carrying out this research work in 2013.

### Rivers State

Unlike the experiences of the States- Edo, Ekiti, Ondo and Osun- earlier discussed in this work which was that of succession crisis premised on electoral malpractices, the case of Rivers State was predicated on a pre-election issue which was the outcome of Party primaries. When the PDP Governorship Party Primaries was held in Rivers State in December 2006, Hon. Rotimi Amaechi, a former Speaker of the State Assembly won the 'shadow election'. However, the outcome of the election was jettisoned by the leadership of his Party, PDP, both at the State and national levels. In his place, Celestine Omehia who did not participate in the primary election had his name forwarded to the INEC as the Party's candidate in Rivers State for the April 14, 2007 Governorship election. Although PDP claimed that it hinged its decision to substitute Omehia with Amaechi on the ground that the latter was indicted for corruption by the Economic and Financial Crimes Commission (EFCC) (Soniya, 2007:2) the findings of this study has revealed otherwise. The decision had political undertone. Celestine Omehia, the preferred candidate, was the immediate past Senior Special Assistant to Governor Peter Odili on Administration and Inter-religious matters. The findings of this study also showed that Omehia was adopted as the Party's candidate so as to broker peace between Governor Peter Odili and President Olusegun Obasanjo. Governor Odili was very close to President Obasanjo during his administration. This prompted him to develop the desire to succeed him as the President of Nigeria. However, the table later turned against him at the eleventh hour of the PDP Presidential Primaries when President Obasanjo declared support for a Northerner, Alhaji Umaru Musa Yar'Adua, a junior brother of Major-General

Shehu Musa Yar'adua, the second in command to President Obasanjo when he was the Head of State of Nigeria between 1976 and 1979 who later got his Party's (PDP) ticket and subsequently became the country's President. But in view of the electoral strength of Rivers State in the past elections in Nigeria especially that of 2003 during which time the State turned in over two (2) million votes for President Obasanjo, the leadership of the PDP decided to broker peace with him by compensating him with the choice of his associate, as the Party's gubernatorial candidate in Rivers State. The development did not however, go down well with Hon. Rotimi Amaechi who was the winner of his Party's (PDP) Primary election a binitio. He considered it as undemocratic and later challenged the action in Court. Another explanation that can be offered was that Amaechi did not cooperate with Governor Odili when he was the Speaker of the Assembly.

The April 14, 2007 gubernatorial election was contested by Celestine Omehia, the candidate of the PDP and the candidates of eighteen (18) other Political Parties in the State. The Parties were: LP, PDP, AC, UNAP, All Nigeria Peoples Party (ANPP) Accord Party (AP), AD, APGA, NDP, PPA, ADC, Hope Democratic Party (HDP) African Renaissance Party (ARP), African Political System (APS) Justice Party (JP) Republic Party Movement (RPM) National Solidarity Democratic Party (NSDP) and FRESH Democratic Party (FRESH). The main contenders in the Election were however, the candidates of the PDP, Celestine Omehia, and that of LP, Ashley Emenike.

At the end of the poll, the results announced by Chief Rowland Uwa, the Resident Electoral Commissioner (REC) for the State (Rivers) showed that Celestine Omehia the 'candidate' of the PDP, polled a total of 1,853, 217 votes which represented 90.9 per cent of the total votes of 2,038,726 cast during the election by electorates. The candidate of the LP came second with 101, 347 votes (*Nigerian Tribune*, 6 April 2007: 10; INEC, 2007).

Hon. Rotimi Amaechi challenged the action of his Party (PDP) in a Federal High Court by praying the Court to declare him as the authentic candidate of PDP in the April 14, 2007 Governorship Election in Rivers State. However, the Court upheld the action of the PDP in its judgment of July 2007. The Court of Appeal also followed suit by upholding the judgment of the lower Courts on the substitution of Amaechi's name with Omehia. But, the Supreme Court of Nigeria where he appealed to reclaimed his mandate for him on October 25, 2007 when it ordered that Hon. Rotimi Amaechi, a former Speaker of the State House of Assembly, be 'immediately' inaugurated as the Governor of Rivers State. The seven-man panel of the Supreme Court that heard the case was composed of Justice Iyorgher Katsina-Alu, Dahiru Musdapher, George Oguntade, Samuel Onnoghen, Francis Tabai, Tanko Muhammad and Pius Aderemi.

Justice Iyorgher Katsina -Alu, who read the lead judgement held that the PDP did not comply with the provisions of the Section 34 (2) of the Electoral Act 2006 when it removed Amaechi's name as its candidate for the poll. The Section required Political Parties wishing to make a change of their candidates after sixty (60)

days of conducting primaries to give cogent and verifiable reasons. Based on this provision, Justice Katsina- Alu ruled that:

The Appellant- Amaechi-remained the candidate of the third respondent (PDP) for that election. It is my view that he was the candidate. He was unlawfully removed. In the eyes of the law he remained the candidate (Soniyi, 2007:2).

The Judge went further in the judgment to say that even though Amaechi in his suit at the Federal High Court did not ask that he be declared the Governor of the State, substantial justice demanded that he be declared the winner of the election. He therefore ruled that:

The appellant and not the respondent is deemed to have won the election. I declared the appellant is the one entitled to be in the governorship seat of Rivers State. It is ordered that the second respondent vacate the seat of Rivers State immediately and the appellant immediately inaugurated (Soniyi, 2007:2).

The judgment was complied with without delay and Hon. Rotimi Amaechi was inaugurated on October 27, 2007 thus making history as the first Governor who did not embark on electioneering campaigns or solicit for the votes of electorates before being sworn in as the Chief Executive of a State. On the other hand, the judgment can be interpreted to me a move to restore sanity within the rank and file of the leadership of Nigerian Political Parties where by, they should always respect the Rule of Law. However, the development also raised the question of 'legitimacy'. Legitimacy connotes a government or regime constituted in line with the custom of the people of a named political community or a government with the 'full' consent of people. Therefore, can it be said that a government which does not face election but which has its mandate 'restored' to it by the judiciary, a legitimate one? From political perspective, this study is of the view that such a government is jaundiced electorally. It cannot lay claim to 'full representation' but 'partial representation' which only takes place at a micro-level. This position is without prejudice to the judicial interpretation of the issue at hand (Amaechi Vs. Omehia).

### **Concluding Remarks**

This study has attempted an analysis of succession crises in Nigeria using the Gubernatorial Election results of some States during the post-2007 elections era as the case study. The States chosen as the case study were: Edo, Ekiti, Ondo, Osun and Rivers. Coincidentally all these States are located in the Southern part of the country covering two (2) geographical zones Viz South –West and South-South. The choice of these States was predicated on the fact that the election victory of the candidates originally declared by the INEC were invalidated by Elections Appeal Tribunals and mandate returned to those who actually won the election. Consequently, the

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experience was different from what took place in some States where Tribunals ordered re-run or fresh elections. Falling into this category were States like Sokoto, Adamawa, Kebbi, Kogi and Cross Rivers.

This study has shown that causes of succession crises in the States covered in this study were traceable to:

- i. The poor management of the elections by INEC as revealed in Edo, Ondo, Ekiti and Osun States where as a result of large scale of electoral malpractices, Tribunals had to review /void some election results;
- ii. poor security arrangement which set security agents on collision course with opposition Parties as evidenced in Ondo's case where the Tribunal faulted the role of security agents during the election;
- iii. intra- party crisis which set members of the same Political Party against each other as a result of fall-out-from Party primaries as witnessed in Rivers State where the leadership of the PDP displayed lack of respect for the provision of Electoral Law;
- iv. ethnic chauvinism/ zoning arrangement which set different sections of the State against each other with regard to whose turn was it, to produce the next governor as experienced in Edo, Ondo and Osun States;
- v. personality clash/ unresolved past issues which set different political actors against each other as experienced in Ondo and Rivers state; and
- vi. the desire of the incumbent Governors of some States or external forces to determine their successors or who will succeed such Governors. This was the experience of all the States (Ondo, Osun, Edo, Rivers and Ekiti) covered in this State.

All the issues raised above will continue to precipitate succession crises in Nigeria unless efforts are made to address them. It is in this light that this study concludes by proffering a number of solutions to solving the problem of succession crises in Nigeria. They include the following:

1. The Election Management Body (EMB) in the country (in this case INEC) should discharge its statutory responsibility impartially in line with the Section 158 of the 1999 Constitution of the Federal Republic of Nigeria. The Section describes it as a neutral umpire. In line with this provision, INEC should provide a level playing ground for all the electoral stakeholders in any electoral dispensation and should respect the opinion of the electorates in any election by not declaring false results or be a collaborator in election rigging;
2. Security agents should limit their roles to that of protecting lives and properties during elections. They should not be made to handle election materials or guide voters on how to cast their votes on the election days. There should be swapping of security agents few days to the conduct of any election to guide against having officers who have been too familiar with some politicians at the voting arena;
3. Party leadership should be fair to all its members. Party Constitution should not be bent or amended deliberately to favour a particular Party member



during any electoral process. In addition, Party activities should be guided by both Party rules and the nation's Constitution. Towards this end, the services of the Legal Adviser or the Legal Unit of a Party should be exploited fully in order to guide against unwarranted litigations caused by the actions or inactions of Party leadership or Party members;

4. The issue of power-shift has become a recurring decimal in Nigerian politics over time. No section of a State should hold on to power for too long. Rather, Parties should develop internal mechanisms that will guarantee representation. Furthermore, appointment making should not be lopsided. Political Parties should share portfolios in line with the spirit of 'Reflection of Federal Character Principle' as provided by the Section 14(3) of the 1999 Constitution of the Federal Republic of Nigeria. However, such appointments should be done in reference to the principle of merit and ability to deliver. This is important so as to guide against the emergence of mediocre;
5. Political actors should live above board by de-emphasizing values or egoism. What should be their primary concern should be actualization of their campaign promises and the implementation of the manifestoes of their Parties. Where there are personality clashes, development will be retarded. Development can only thrive in a society where political actors are united. Similarly, the role of an incumbent political officeholder in determining the successor to his or her office should be minimal. Rather, it should be moderated by the Party leadership under the watchful eyes of the country's Election Management Body (EMB). In fact, where an incumbent political office holder is seeking for another term in office, he/she should not be involved in the conduct of Party primaries that would produce the flag-bearer of the Party in an election; and
6. The role of Nigerian Judiciary in electoral processes should be guided by the ethics of the profession. Corrupt officials who betray their oath of office should be sanctioned accordingly by the National Judicial Council. Furthermore, judges handling litigations on electoral matters should be guided by the constitutional provisions and must endeavour to avoid unnecessary adjournments. They should stick to the number of days provided for hearing and determination of any suit on election matter.

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