

THE PRESIDENT CAN RULE FROM ANYWHERE: THE POLITICS OF PRESIDENT YAR'ADUA'S HEALTH AND EXECUTIVE INSTABILITY IN NIGERIA

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Abstract

This paper attempts to analyze the problem of executive instability and conflicts arising from the interpretation of the constitution by federal legislature. It posits that the dominance of sectional interests in the Nigerian politics heightens executive instability and the interpretations of the provisions of the constitution tend to increase political instability, tension and conflict. The pervasive political instability within the executive arm arising from the long absence of President Yar'Adua from office became a major political issue in Nigeria from November 2009 to March 2010. For nearly five months there was absence of executive President in Nigeria, yet his kitchen cabinet saw nothing wrong in this situation. The article argues that in serious government business, such absence could undermine the stability of the executive branch and the policy-making capacity of public authority, if power is not transmuted to constitutionally mandated person. It concluded that political uncertainty has pointed towards a constitutional crisis when President Umaru Yar'Adua took ill and was flown out to Saudi Arabia in November 2009 to be treated for acute pericarditis. His long absence from his executive position as the President without transferring power to his Vice President and the purported return raised succession questions and challenged the power of the National Assembly in resolving the crisis. The article adopted a methodology involving qualitative research based on a review of extant literature.

Introduction

The pervasive political instability within the executive arm arising from the long absence of President Yar'Adua from office became a major political issue in Nigeria from November 2009 to March 2010. For nearly five months the executive President of the Federal Republic of Nigeria was absent, yet his kitchen cabinet saw nothing wrong in this situation. One of the most influential members of President Yar'Adua's cabinet was Michael Aondoakaa, the past Attorney-General of the Federation and Minister of Justice stated that Yar'Adua could rule Nigeria from anywhere. He was notorious in his defense of the late president's absence in office as he constantly made excuses for the president's continues retaining of office despite his obvious incapacitation to do so. Aondoakaa succinctly argues:

There is no evidence that Mr. Yar'Adua is not exercising his powers as president. He has his Vice President and his Ministers whom he delegates power and functions to. He

does not have to be in the country before he can exercise his power. He can do that anywhere. The President can delegate his power to anyone and he can even give instruction anywhere in the world, even on his sick bed (Akinola, 2010:57).

This was in defense of Yar'Adua's long absence from the country which prevented him from discharging his constitutional responsibilities. In purely democratic dispensation, this absence can undermine the stability of the entire administration. Political uncertainty has pointed toward a constitutional crisis ever since President Umaru Yar'Adua took ill and was flown out to Saudi Arabia in November 2009 to be treated of acute pericarditis. His long absence from his executive position as the President without transferring power to his Vice President and the purported return raised succession questions and challenged the power of the National Assembly in resolving the crisis.

The inevitability of instability in Nigeria in 2009 can be linked to the writings of Melson and Wolpe (1971) who outlined three broad headings under which the possible causes of instability may be grouped, and they include constitutional development, economic growth, and leadership caliber. The first, they argue, refers to the fact that the very experiences of erstwhile colonial status in the new African states means that an outside political power has a vested interest in particular types of political formation and can and does attempt to influence political processes towards that purpose. The second suggests that the discrepancy between popular expectations as revealed by the nationalist movement and the subsequent slow rate of economic development is a stress and strain factor in political order; and the last merely refers to the scarcity of the quality of political leadership capable of coping with the modern, economic, bureaucratic and technological structure emerging at independence (Melson and Wolpe, 1971:669). Admittedly, there is interplay of these factors in the instability caused by the absence of the president. The colonial status of Nigeria means that its efforts towards economic development are marred by its poor political leadership since independence. This is done by creating political instability in terms of psychology and behavior of North and South political equation in which the process of consolidating rapid institutional changes within Nigeria through increased demand for power by groups based on ethnicity and sectional interests have become traumatized experiences. In this way, identity crisis emerged as a result of conflict between national loyalty on the one hand, and ethnic and religious loyalty, on the other. When this happens, region (North or South) or religion (Islam or Christianity) becomes stronger than loyalty to the nation, and national unity becomes impossible.

This paper attempts to analyze the problem of executive instability and conflicts arising from the interpretation of the constitution by the federal legislature in Nigeria. It posits that the dominance of sectional interests in the Nigerian politics heightens executive instability, and the sectional interpretations of the provisions of the 1999 constitution tend to increase political instability, tension and conflict in Nigeria.

Politics of Yar'adua's Health and Executive Instability in Nigeria

The question of class in contemporary politics is gaining particular attention both in theory and in practical politics in Nigeria. Classes in Nigeria are not homogeneous and so is the Nigerian ruling class. The situation faced by the class is in large part made up of relationships with others in the same class. Hence, an analysis of the character of these

relationships is required to make the reasons for their actions intelligible and to understand their consequences. Consequently, the idea of a ruling class is a structural concept and it embodies claims about the way relations extending through the whole society are ordered. The ruling class owns the state and there is a circulation of ownerships of the state within the class owners. This circulation and its proceeds are via the state power and those who control it. This is because to be excluded from the class means ultimate ruin and to be included means everlasting prosperity. Because resources of the state follow so rigidly and crudely the geometry of power, the distribution not the production of wealth is badly skewed against other ethnic members. This negative skewness can be attributed to the class character of the postcolonial state. This class engages in grim factional battles for the control of state power. This arises from too high a premium placed on political power. This makes the class highly fractious. Consequently, as fractions this class has their particular interests served by the state and can only be conducive to exclusion and marginalization of groups and individuals, whether they are ethnic or sectional interests. To achieve and retain power in Nigeria, ethnic appeals are made.

Thus, development for them is synonymous with personal enrichment and the use of state power for this process has been theoretically and practically accepted by them. Once state power is achieved it is always used for personal or sectional economic enrichment of those who have achieved it and for their supporters. Instructively, it is characterized by absence of an independent and creative ruling class of the type that brought the industrial revolution to the western world and Japan or even the self-disciplined and sacrificing type that engineered self-sustained growth in Taiwan, South Korea, Malaysia and Singapore (Nnoli, 1993:14). Marx once wrote, "The ruling ideas of any age are the ideas of the ruling class."

Consequently, the state in Nigeria principally deals with its members as social agents of ethnic groups (not as free, individual and equal citizens), and the power of that state exists as prebends parcelled out to ethnic groups instead of a unified, objective and independent entity standing above society and expressing the corporate existence of the people-nation. Being the exclusive tool of those in power (who are agents of ethnic groups), defending their prebends becomes a very fundamental and charged issue; politics and elections become an overriding and war-like exercise waged among ethnic groups (Ibeanu, 1993)

In the ensuing warlike struggles different groups and individuals try to outdo one another in bending fragile rules and short-circuiting laid down processes. Winners and losers alike distrust the rules as well as themselves, thus further weakening the rules and procedures, and making it impossible for a stable regime of power transfer and winner to emerge. This lawlessness also explains why personalization of power and private concepts of public business are very rampant (Ibeanu and Mbah, 2014:47). Since the state is all-powerful and there are few safeguards on how its tremendous power is to be used in a moderate and civil manner, groups and individuals take a great stock in controlling the power of the postcolonial state. Politics is everything and everything is politics, including life and death. In Nigeria, whoever wins in politics wins everything, and whoever loses, loses everything, including lives and livelihoods (Ibeanu and Mbah, 2014: 47).

Finally, because this state remains essentially the state of sectional interests rather than a representative of the collective interests of the people, there is no sense of unity of its powers.

Instead, it exists as prebends parcelled out to various sectional interests, in the Nigerian case, ethnic interests in particular. Thus, politics becomes fiercely prebendal as ethnic and other sectional interests engage themselves in a fatal contest in elections for increasing, allocating and defending their share of the “powers” of the state (Joseph, 1987).

Consequently, there are excessive premium on power which converts politics and positions in the power structure into warfare rather than a process of bargaining, discussion and orderly transfer of power. There is a dominance of exclusive rather than inclusive strategies of power. Absolutism and totalitarianism of the state are leading to widespread deradicalisation of politics through the so-called “politics of consensus”. The antinomy of “politics of consensus” is that it is pursued in a context of deepening exclusivism and lack of a sense of a shared future (Ibeanu and Mbah, 2014:48). These general characteristics made it impossible for the North to allow Jonathan to assume full presidential duties as it were.

Executive-Legislative Relations and Yar’Adua’s Long Absence from Power

The executive-legislative conflict over the long absence of President Yar’Adua was essentially based on personal interest. In understanding what private interest denotes, it is important to begin with the understanding of public interest. This will help us in conceptualizing what private interest means. Simply put, public interest refers to the common well-being or general welfare and this is central to policy debates, politics, democracy and the nature of government itself. In other words, public interest includes factors such as ensuring the efficient and effective running of public services and an interest in ensuring the administration of justice. In this sense, the public is a group of non-specific persons (Nigerians outside the government). They are persons that share an interest as they consider themselves as potential members of a non-specific group, abstracting from their particular position and private interests. This way of looking at the public interest is closely related to Rousseau’s concept of the “general will”.

What should motivate elected representatives and other public officeholders is the desire to serve the public by doing what is “right”. Government as an instrument of the state is meant to improve society, but in the case of Nigeria, it has not. This is because state institutions, structures and processes in Nigeria are characterized by intra-class struggle for the control of the state power for wealth and private interest so that state power becomes means of production for those who control it. Thus, the contrasting view of public interest is the private interest. What is not public interest is therefore private interest and private interest is motivated by a narrow concept of self-interest: wealth, fame and power. Therefore, if there is conflict between the public’s interest and private interest of government decision-makers, the public interest will lose.

Theoretically speaking, constitutions and constitutional constructions are regarded as forms of political technology. It provides a basis for the development and utilization of consociational conflicting – regulatory mechanisms (Jinadu, 1985:2). But the effectiveness of the 1999 constitution and consociationalism as a conflict regulatory mechanism in Nigeria has been limited by private interest. This is due partly to the character and nature of the competition to control and use the Nigerian state for private and sectional goals. It is also due partly to a crude Machiavellian equation of political power and conflict in society in which rules can be disregarded and in which the Vice President seems to have been excluded from ascending to

power from the position of Vice President to the position of Acting president or President, a conception of the political market place at variance with the emphasis of the 1999 constitution as well as the question of succession.

One important factor that has heightened anxiety and instability in the executive is lack of information about the state of health of President Umaru Yar'Adua. The ailing President was not seen in public since November, 2009. This sparked renewed uncertainty about the state of his health and the call for his resignation or be removed. The long absence of President Yar'Adua created executive vacuum that made some of the members of the executive council of the federation supported the transfer of executive powers to the Vice President, Goodluck Jonathan. The division and absurdity of executive power vacuum led to political crisis and instability in the Federal Executive. He failed to turn in a letter to the National Assembly in pursuance of Section 145 of the 1999 Nigerian constitution. This is seen as absurd and awkward before the law. This is because Yar'Adua did not formally hand over to his deputy as required by law to empower him perform as Acting President. This absurdity of the statutory conditions made the nation remain without an executive president or one in acting capacity.

The Yar'Adua's ordeal was largely affected by the purported ambition and hunger for power by the towering influence of his group and Yar'Adua's wife, Turai. First, the cabal who were members of his kitchen cabinet wielded a lot of influence on the polity while Yar'Adua's administration lasted. They were instrumental to what transpired until the emergence of the Acting President, Goodluck Jonathan via a resolution by the National Assembly. The influence of the cabal became more potent in the long absence of the ailing president, hiding the state of his health and smuggling him into Nigeria in February 2010. While the President was away in Saudi Arabia, many controversial decisions were taken and the signing of the 2009 supplementary budget was undertaken. Furthermore, his wife, Turai wielded enormous, almost unassailably limitless, power in the presidency. She was the most feared person in Aso Rock, far and above the late President himself and she was responsible for several decisions made by the President. For instance, Turai was the force behind Yar'Adua's reversing his initial decision to cancel the hosting of the U-17 World Youth Football Championship following the inflation of the budget of the Local Organizing Committee. The ₦37 billion budget was allegedly slashed to ₦9 billion, eventually after the intervention of Turai.

The second of the cabal is the Governors' Forum. The influence of the Governors dates back to 2003 during the re-election bid of Obasanjo. It was established as a backup for Obasanjo's bid for re-election. Their influence continued until 2007 when they became strong power broker in Yar'Adua's administration. While Yar'Adua was away in Saudi Arabia, the Governors at a point became the only power bloc apart from the first cabal that wielded any influence on the polity. It was these groups who shielded him away from the members of the executive council and the Vice President, Goodluck Jonathan. It was this secrecy that gave rise to speculations about his health status and the inability to evoke section 144 of the 1999 constitution.

One of the most notorious and kitchen cabinet member of President Yar'Adua is Michael Aondoakaa, the past Attorney General of the Federation and Minister of Justice from July 26, 2007 to February 15, 2010. He is remembered for his controversial utterances in the dying days of President Yar'Adua and being the arrow head of the executive instability during the trial period of the President. Three weeks after the President was flown to Saudi Arabia, he said that

Yar'Adua could rule Nigeria from anywhere in defense of Yar'Adua's absence in office (Akintola, 2010:57). As his multiple lies after the health conditions of the President Yar'Adua continued, the Minister of Information and Communications, Prof. Dora Akunyili decided to tread the part of truth by presenting a memo to ask the ailing President to hand over to his deputy. Immediately, Aondoakaa reacted to the memo and insinuated that Akunyili's stay at NAFDAC was not entirely unquestionable and that she was looking for cheap popularity. These insinuations got him on a collision course with the latter and almost got him sued for libel by Akunyili who felt her hard-earned reputation was being tainted. At this point, the executive council became disarrayed and the instability of the powerful arm of the government began.

The Executive Council of the Federation (ECF) was incapacitated because the members of the cabinet before the Vice President was made Acting President were comprised by die-hard supporters of President Yar'Adua. It was impossible to invoke section 144 without recourse to the National Assembly. Section 144 (1) (a) and (b) of the 1999 constitution states that:

The President or the Vice President shall cease to hold offices, if by a resolution passed by two-thirds majority of all the members of the executive council of the Federation it is declared that the President or Vice President is incapable of discharging the functions of his office; and the declaration is verified, after such medical examination as may be necessary, by a medical panel established under subsection (4) of this section in its report to the President of the Senate and the speaker of the House of Representatives (Federal Republic of Nigeria, 1999:60).

How do we ascertain the state of a President's health under the 1999 Constitution? The provisions of Sections 144 and 146 of the 1999 Constitution of Nigeria also provides in 144 that:

Where the medical panel certifies in the report that in its opinion the President or Vice-President is suffering from such infirmity of body or mind as renders him permanently incapable of discharging the functions of his office, a notice thereof signed by the President of the Senate and the Speaker of the House of Representatives shall be published in the Official Gazette of the Government of the Federation.(3) The President or Vice-President shall cease to hold office as from the date of publication of the notice of the medical report pursuant to subsection (2) of this section. Section 146(1) 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 section 143 or 144 of this Constitution.

These provisions of the Constitution are clear and unambiguous and must thus be given their true and ordinary meaning in their interpretation. The cabinet could not exercise the powers granted to it under section 144 with respect to President Umaru Yar'Adua because they have never had the opportunity of observing him at close quarters to be able to form an empirical verified opinion as to whether he has or lacks capacity to discharge the functions of

his office. Although the secrecy surrounding his state of health continued to be a major political weapon for not invoking section 144, it was possible to use that for not making Vice President, the President, but rather much later, Acting President.

In framing the 1999 constitution, the framers created a strong presidency, but were aware that the men who would hold that office were neither immortal nor immune from diseases. They therefore, recognized the fact that the president has the capacity to fall ill and seek medical attention. They recognized the fact that such a medical condition may lead to inability to discharge the functions of the office of the President (Okoye, 2009:46). They, therefore, recognized the fact that a sick President begets a sick Presidency and a sick presidency begets a sick country. Hence the possibility of the President falling sick and unable to discharge the functions of his office was envisaged, and in order to ensure continuity in government, when the holder of the office falls sick, framers of the constitutions decided to insert a constitutional device which allows a sick president to be declared incapacitated when he is unable to efficiently discharge the functions of his office as a result of infirmity either of the mind or body and this paves the way for the Vice President to assume office. This constitutional device originated from the U.S. It is now popularly known as the Twenty-Fifth Amendment. This device was copied by the framers of the Nigerian constitution via section 144 of the 1999 constitution. In the United States of America under George Bush (Senior), where we adopted the presidential system and section 144, Bush was the first President to turn in a letter pursuant to a section that is like ours and he did it just for two hours.

However, pro-Yar'Adua both in the Executive Council and the National Assembly did not accept the reality that he is incapacitated because of private and sectional interests and their continued use of the state power for accumulation of wealth. The decision to rush the ailing President home from Saudi Arabia was occasioned by the desperation of his wife and kitchen cabinet in connivance with some other political machines to short-circuit the Vice President from becoming the President or the Acting President.

It was in this dilly-dally situation that one of the members of the Executive Council, Dora Akunyili brought a memo to the executive council of the Federation to consider the health condition of the president. This led a massive showdown both in the Executive Council and National Assembly between pro-Yar'Adua Ministers and Senators. The pro-Yar'Adua elements in the Executive Council, some aides, associates and relations of the sick President mobilized to stop making Vice-President Jonathan the Acting President. The Attorney-General of the Federation championed this course. The aim of the group was to delay if not totally frustrate the efforts to make Jonathan the Acting President. The Attorney-General and Minister of Justice, Michael Aondoakaa, following the ruling of an Abuja High Court, which said that the Vice President can "carry out the functions of the President in his absence", without becoming the Acting President and that "the Vice President has been carrying out the duties of the President as allowed by the constitution in section 5 (1) of the 1999 constitution," did not accept the court's ruling.

Initially, the leadership of the Senate was against invoking section 143 of the constitutions, which could lead to the impeachment of President Yar'Adua since he failed to fulfill the conditions in section 144. At the same time the Senate argued that the thought of replacing the President with his deputy based on his poor health is immoral (Iwuchukwu, 2010:48). Ndoma-Egba sees the move to impeach Yar'Adua as "insensitive and against the spirit of the

constitution” and argues that the Senate is constrained by the constitution to take such an action. However, no reference was made to any part of the constitution regarding that. Ndoma-Egba argues further that:

We have no role to play in this matter constitutionally; we must wait for the executive to act before we respond. We cannot impose a role on ourselves just because Nigerians are agitating. We cannot afford to be unconstitutional. I don't know when it became an offence to be ill. Invoking section 143 means you are criminalizing ill-health (Iwuchukwu, 2010).

The Senator sees it as being wrong for the people to agitate the vacuum created in the leadership of the country by the President's absence. To resolve the conflict, the doctrine of necessity was invoked by the National Assembly. Ordinarily, the doctrine of necessity that was invoked by the National Assembly to resolve the seeming constitutional crisis that came in the wake of the absence of President Yar'Adua and his inability to officially hand over to Vice President, Goodluck Jonathan was then empowered by the National Assembly to dissolve the tottering Federal Executive Council.

It is, therefore, beyond peradventure that section 144 vests the Executive Council of the Federation with an enormous power to begin the process to determinate the tenure of either the President or the Vice President. This onerous power has to be exercised genuinely without which the whole essence of it would be defeated. No doubt, the task thrown up by the illness of President Yar'Adua as well as the numerical requirement of two-thirds of Ministers led essentially to bickering, maneuvering and instability within the executive arm. Those who minded him introduced half truth; they introduced outright lies; falsehood, deceit and manipulation. One of the highest petrifying issues surrounding executive instability and executive – legislative relations in Nigeria was the Midnight “mutiny” of February 24, 2010 that saw the movement of 300 soldiers to receive the ailing returning President. The high level of secrecy and the manner as well as the exclusion of the members of the executive council including the Acting President further increased the level of instability and mistrust among some members of the executive council. This strengthened the belief that he was gravely ill and exposed the intrigues of the kitchen cabinet. The kitchen cabinet kept everybody in confusion and government dead locked about his secret arrival against all government protocol.

The regular meetings provided for in subsection (2) of section 148 is the weekly Federal Executive Council Meeting is usually chaired by the President. It is only during these regular meetings that the two-thirds of the Council of Ministers can have the opportunity of determining whether the President is incapable of discharging the functions of his office (Olawole, 2010:34). It was based on this fact that the pro-Yar'Adua group in the Executive Council bluntly refused “the Vice President and other members of the Executive Council from seeing the ailing president and the subsequent call for the National Assembly to impeach him. They made the ailing President invisible as the matter lasted. The call for the National Assembly to swear in the Vice-President as the President caused uproar that only pressure made it possible after a strenuous struggle between pro-Jonathan and the National Assembly.

Due to the vacuum created by the invisibility of the ailing President since November 26, 2009, the Senate, relying on the “Doctrine of Necessity” had on February 9, 2010 passed a

resolution making Jonathan the Acting President and Commander-in-Chief of the Armed Forces. The House of Representatives in a similar resolution endorsed the decision of the Senate (Adam and Famoroti, 2010:25). However, there is no provision in the constitution where the National Assembly is mandated to pass a resolution elevating the Vice President of Nigeria to the non-existence position of Acting President and Commander in-chief of the Armed Forces of the Federation.

Even when the President transmits a written declaration to the leadership of National Assembly indicating his temporal absence from duties or inability to carry out presidential functions on health ground, the situation does not demand that the Vice president should become Acting President and commander-in-chief of the Armed Forces of the Federation. When the President transmits such a letter, section 145 says it is the office of the Vice President that would execute the functions of the president in an acting capacity. Section 145 never said that it was the office of the Acting President and Commander-in-Chief that would carry out the functions of the sick President. Therefore, “the doctrine of necessity” which the National Assembly claimed enabled it to empower Jonathan to become Acting President and Commander-in-Chief is a judicial doctrine and not a legislative doctrine. Hence, it is only the court that can apply the doctrine of necessity as a means of addressing unforeseen circumstances in Nigeria.

The interview granted to British Broadcasting Corporation (BBC) by President Yar’Adua which the National Assembly claimed was a written declaration to it informing it of his temporal absence from duty, failed to satisfy the demands of section 144 of the 1999 constitution. The interview was in no way addressed specifically to the Senate President or Speaker of House of Representatives. This was not equally signed by the ailing President. In fact, there were serious doubts that the interview was granted by President Yar’Adua. As such, the resolution of the National Assembly does not have any force of law. Since the National Assembly is not a law court, its resolution of February 9, 2010 is questionable. It was on this basis that pro-Yar’Adua groups in the National Assembly opposed vehemently the swearing in of Jonathan as the Acting President. Pro-Jonathan, who wanted a change of power by all means, used the advantage of the absence of President Yar’Adua to change the government, prompting Jonathan and the National Assembly to do what they did.

The reliance on section 145 of the 1999 constitution by the National Assembly on making Jonathan the Acting President had strengthened the controversy that the process was unconstitutional, null and void. However, the failure in the ailing President to comply with the provisions of the section 145 before traveling to Saudi Arabia on health ground amounted to impeachable offence. Section 145 states 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 vocation or that he is otherwise unable to discharge the 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 (Federal Republic of Nigeria, 1999:60).

However, the ailing President failed to fulfill his constitutional obligations and the National Assembly ostensibly applied the doctrine of necessity to inaugurate Jonathan and in the process breached the provisions of section 145. The intense competition and rivalries among the Pro-Yar’Adua group and pro-Jonathan group in the National Assembly and in the executive for political power have resulted in the manipulation in interpreting the provisions

of the 1999 constitution, especially sections 143, 144 and 145. These conditions led to cumulative progression towards anarchy and instability in Nigeria. One of the most fundamental elements of any democratic society is the supremacy of the law—the constitution, which essentially regulates both the operations of government and the activities of the governed. In other words, both the government and the governed are subject to the provisions of the constitution in just the same way they derive their powers, authorities, rights, duties and obligations from it. Thus, Nkemjika (2010:1) lucidly notes that “in any true democratic society, the constitution is the supreme law of the land that must be obeyed by all authorities and persons” for the purpose of ensuring orderliness and stability in the society. Because of the strategic role Nigeria plays externally in ensuring regional and global peace and security, any crisis in Nigeria, more or less, becomes issue of regional and global concern. Again, Nigeria is considered a key power in the African continent not only because of its size, but also because of its political and economic roles in the region. It has also been noted that one in five people in Sub-Saharan Africa calls Nigeria home (Blanchard & Husted, 2016:1). Accordingly, the Nigeria’s constitutional crisis of 2010 which was caused by President Yar’Adua’s absence and the inability of Vice President Goodluck Jonathan to act on his behalf became not only a regional issue, but also a global concern.

Subsequently, western countries, notably the United States of America (USA) and the United Kingdom (UK) with relative democratic stability and avowed support for development of democracy in other parts of the world based on the dictates of the constitution became concerned with the crisis. These countries and other global organizations or institutions such as the African Union and the European Union constitute external influences that molded and shaped the internal political process in Nigeria during the Yar’Adua health saga (Feyide-John, 2010; and Sydelle, 2010). These external influences made concerted efforts to encourage and strengthen the civil and democratic activities of Civil Society Organizations (CSOs) operating in Nigeria to ensure that the provisions of the 1999 Nigerian Constitution were adopted in resolving the crisis vis-à-vis Section 145 which captures how the Vice President of Nigeria becomes Acting President in absence of the President (Abubakar, 2010). In other words, these efforts were meant to allow the functionality of the constitution above the primordial sentiment of the Muslim-dominated Northern Nigeria which laid claim to the presidency based on the rotational policy of the Peoples Democratic Party (PDP) which was alien to the Nigerian Constitution.

Civil Society Organizations in the enthronement of Vice President as President

Civil Society Organizations (CSOs) have been widely recognized by scholars and social commentators as pivotal in maintaining national stability (Ukase & Audu, 2015), especially in their development activities of ensuring the full observance of provisions of the constitution regarded as the ground-norm from which flows the validity of other statements of law in any modern state (Swarup, n.d.). The CSOs are seen as development actors in their own right (Schouten, 2011) (cited in Poskitt & Dufranc, 2011) and considered as vital parts of national governance system for national stability and development (Poskitt & Dufranc, 2011). The strategic position the CSOs occupy in ensuring and enhancing national stability and democratic governance is anchored on the three fundamental roles they play in every society. These roles are, first, as participants in the design of strategies. Second, as service providers through

community organizations and national non-governmental organizations (NGOs), and third, as watchdogs to ensure government fulfillment of commitments (Ghaus-Pasha, 2004:1). For instance, the CSOs in Nigeria have served and continue to serve as watchdogs at all levels of government, especially when the legislative and executive arms of government are faltered in their responsibilities.

A particular case in point is their role during the Yar'Adua ill-health and Jonathan acting presidency saga when the Nigeria's National Assembly and Federal Executive Council were kept under their toes by the CSOs for their reluctance to defend certain provisions of the 1999 Constitution. Like other periods in Nigeria's history, the nation was sharply divided into two major groups: the Muslim-dominated North and the Christian-dominated South. The former supported the idea of northern presidency based on the unofficial North-South rotation policy on presidential position by the Peoples Democratic Party (PDP) while the latter supported Vice President Jonathan based on fundamental human rights as enshrined in the 1999 constitution. It is on this note that we assess how the activities of CSOs shape the enthronement of Jonathan as President.

The Activities of CSOs and the Enthronement of Jonathan as President

Amidst a heavy police presence, members of Save Nigeria Group (SNG) peacefully protested the continued absence of President Yar'Adua from his office and the non-transfer of leadership of Nigeria to the Vice President as provided for in the 1999 Nigerian Constitution. The protest was led by influential Nigerians—Prof. Wole Soyinka, Pastor Tunde Bakare of the Latter Rain Assembly, Femi Falana, Olisa Agbakoba, Uche Onyeaguocha and a host of others. Also present in the protest were members of Coalition Against Corrupt Leaders (CACOL) led by Mr Debo Adeniran (The Saharareporters, 2010).

The protesters called for the sacking of the Attorney General of the Federation and Minister of Justice, Mr Mike Aondoakaa, whom they accused of playing on Nigerians' intelligence with his numerous lies about the President's health and whereabouts. They also demanded: (i) application of Sections 145 and 146 of the Nigeria's Constitution; (ii) electoral reform based on the report of the Justice Mohammed Uwais panel; that Nigerians reject the selective "night calls" by Mr. President to some public officers; and (iii) rejection of the subversion of the Nigerian Constitution.

Similarly, a group of eminent Nigerians—Eminent Elders Group known as G-53, called upon the Federal Executive Council (FEC) to search for President Umaru Yar'Adua to brief the nation about the status of his health (*The Sun*, 2010). The group was constrained to speak out on the constitutional crisis Nigeria has been facing because of the refusal of President Yar'Adua to hand over the leadership of the country to his deputy when leaving the country on 23 November, 2009, for medical vacation as prescribed by the 1999 Constitution. Members of the group expressed strong conviction that the induced crisis could be resolved and the nation saved from anarchy. They, therefore, demanded that the FEC be made to live up to its constitutional obligations, and called upon the Council of State to precipitate such action by the FEC and act in the best interests of Nigerians (*The Sun*, 2010).

Another civil society group that shaped the enthronement of Jonathan as President is the Nigeria Bar Association (NBA) which demanded that President Yar'Adua must hand over power to his deputy, Goodluck Jonathan. The association took a legal action and asked Federal

High Court, Abuja, to compel the Federal Executive Council to start the process of handing over power since the President violated the provision of the constitution by not handing over to his Deputy (*The Sahara Reporter*, 2010). The NBA insisted that the President ceded power, albeit temporarily, to his deputy through the Federal Executive Council. Some prominent members of the association also intensified efforts to ensure that Vice President Jonathan was made President. For instance, Human Rights Lawyer and Activist, Mr Femi Falana, asked the Federal High Court, among other reliefs, to recognize Jonathan as the President and annul all FEC decisions made during Yar'Adua absence. Secondly, the suit by erstwhile lawmaker, Farouk Adamu Aliyu and his co-litigant, Sani Hussani Garun Gabbas implored a determination of the aforementioned presidential absence as constituting a permanent incapacitation as contemplated by the 1999 Constitution of Nigeria (Ihekwaba, 2010). The cumulative effect is the introduction of doctrine of necessity adopted by the National Assembly which made Jonathan assumed the President in continued absence of Yar'Adua.

External Influence and the Yar'Adua Health Saga

It is a generally accepted that modern politics is a reflection of so many factors since no nation can sufficiently provide all its needs and solve all its problems in isolation. Again, the contemporary world system which is structurally characterized by high degree of interdependence and interconnectedness implies that no nation is an island unto itself (Yamin, 2012: 122). To this effect, the internal politics of Nigeria is logically a product of both internal and external influences. Specifically, external influence such as the US, the UK and France profoundly shaped the internal political activities in Nigeria during the prolonged absence of the president from office which created a leadership vacuum and administrative hiatus over non-recognition of Goodluck Jonathan as Acting President of Nigeria (Duffield, 2010).

The first case of external influence on the internal politics in Nigeria was on Thursday, 28th January, 2010, when the US and the EU expressed their concern and worry over the political and constitutional crisis in Nigeria and how, if not properly handled, it could destabilize world peace and security (British Broadcasting Corporation (BBC), 2010). In an open letter on the crisis, they said they welcomed the constitutional efforts that have been made so far “to resolve the question of governing authority in the president’s prolong absence” (BBC, 2010). Similarly, the US, France, Britain and the EU issued a joint statement which was captured by Feyide-John (2010: 9) thus:

We commend [the] determination to address the current situation through appropriate democratic institutions. Nigeria's continued commitment and adherence to its democratic norms and values are keys to addressing the many challenges it faces... We are committed to continue working with Nigeria on the internal issues it faces while working together as partners on the global stage.

Secondly, the United States Assistant Secretary of State for African Affairs Johnnie Carson arrived in Nigeria on Saturday, 6th February, 2010 for bilateral talks and meetings scheduled on 8th February, 2010, with the Vice President Goodluck Jonathan, the Secretary to the Government of the Federation—Mahmud Yayale Ahmed, and Foreign Affairs Minister - Ojo Maduekwe. These meetings were primarily meant to ensure that Goodluck Jonathan was made

the Acting President of Nigeria based on the 1999 Constitution (Abubakar, 2010). The author further stated that before the bilateral meetings of 8th February, 2010, the US Assistant Secretary of State had already met with civil society organisations (CSOs) such as Save Nigeria Group (SNG), Coalition Against Corrupt Leaders (CACOL) and Eminent Elders Group (EEG). These CSOs had been involved in a number of peaceful protests and demonstration against the inability of Vice President Goodluck Jonathan to function as the Acting President. The meeting Johnnie Carson had with the CSOs was intended to encourage them to intensify their efforts in ensuring that the constitution was used as the basis to solve the leadership crisis bedeviling Nigeria as opposed to the unconstitutional rotation policy of the People Democratic Party (PDP).

Barely two weeks after the joint statement by the US, Britain, France and the EU and a day after the bilateral talks/meetings of 8th February, 2010, Vice President Goodluck Jonathan was declared Acting President, precisely on 9th February, 2010 by both Houses of the National Assembly of Nigeria with the support of all state governors. Immediately this was realized, the US praised Nigeria for its democratic handover and this was followed with an official visit to the Acting President by the US Assistant Secretary of State for African Affairs Johnnie Carson (Feyide-John, 2010). In the same vein, former American Secretary of State Condoleeza Rice towed the American line to visit and congratulate Acting President Goodluck Jonathan at an event to honour 50 important Nigerians. In her words, the American Secretary of State Condoleeza Rice states:

I am certain that Nigerians would find within their democratic institutions a way to deal with the current crisis that you have; but with that said, my prayers are with your President and my prayers are with your Acting President with whom I met...and with all your other leaders who must lead Nigeria through this Critical time. If we...reaffirm the principle that Nigerian democracy will be strong and honourable and deliver for its people, I am quite certain that we will look back and say “a work well done” (Feyide-John, 2010).

The leadership vacuum created by President Yar’Adua’s absence which was later resolved by both Houses of the National Assembly of Nigeria with the support of all 36 state governors was a function of the interplay between internal and external influences reflecting the highly interrelated nature of modern system of international politics. This involved the effective collaboration of external influence such as the US, the UK, France and the European Union with democratic institutions in Nigeria to ensure constitutional resolution of the problem which led to the declaration of Goodluck Jonathan as Acting President on 9th February, 2010. Thus, external influence such as the US, Britain and others did play a role in shaping the internal politics in Nigeria during the Yar’Adua health saga.

Conclusion

From the foregoing, it is crystal clear and evidently correct to conclude that the activities of the CSOs, National Assembly and external influence shaped and facilitated the enthronement of Jonathan as first, Acting President and second, President by fighting against abuse of power and for the sustenance of democracy and good governance in Nigeria. Because the Nigerian

state remains essentially the state of sectional interests rather than a representative of the collective interests of the people, there is no sense of unity of its powers. Instead, it exists as prebends parcelled out to various sectional interests, in the Nigerian case, ethnic interests in particular. Thus, politics in Nigeria becomes fiercely prebendal as ethnic and other sectional interests engage themselves in a fatal contest in elections for increasing, allocating and defending their share of the “powers” of the state (Joseph, 1987).

Consequently, there are excessive premium on power which converts politics and positions in the power structure into warfare rather than a process of bargaining, discussion and orderly transfer of power. There is a dominance of exclusive rather than inclusive strategies of power.

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