

# A Season of Anomie, A Time for Impeachment

As the 29th May handover date draws near, threats of impeachment are being fired off left, right and centre like cannonballs during a bombardment. Isn't it interesting to note that at this late stage in the day just a few days to the end of their tenure members of various state houses of assembly have suddenly woken up to their so called responsibilities and are hurriedly trying to impeach their governors and or the speakers of their state house of assembly. All this in a reckless show of power, whilst in the process failing to comply with the very provisions of the constitution they seek to uphold, thereby making a mockery of the entire impeachment process. Even when legislators are being locked out by the ever so efficient police force they are ready to sit in a cowshed to carry out their 'lawful duty' whose main agenda is to discuss the proposed impeachment of a governor or a speaker for alleged misconduct. The shameful amount of financial horse-trading going on at this point in time says a lot about the people that govern us and the type of country that we live in.

Examples are bountiful. Last week the police barred members of the Niger State House of Assembly from sitting, allegedly acting on the orders of the state Governor, Babangida Aliyu whom the lawmakers are bent on removing for alleged misconduct. The embattled Speaker, Adamu Usman who himself was impeached is regarded as a loyalist of the governor and is crying fowl that the new leadership of the House is illegal. His contention is that the lawmakers only wanted to remove the governor because they had not been given overhead and constituency allowances since the beginning of the fiscal year. Meanwhile the new Speaker Alhaji Isah Kawu and his co-travellers have not only been locked out but also teargased for their effrontery.

A similar scenario also unfolded in Enugu State where a group of 15 law makers commenced the procedure of impeaching Governor Sullivan Chime for gross misconduct. The members of the house who found it difficult to gain entrance to the house of assembly complex instructed the clerk of the assembly Christopher Chukwurah to serve the governor with the impeachment notice. The governor was accused of allegedly

forging the 2012 supplementary budget, inflating the contract sum for the construction of the new secretariat and using the police to deny the lawmakers access to the house of assembly for the sitting on 4th May 2015. Same can also be said for Ondo State where the deputy governor Ali Olanusi on 22nd April 2015 was served with an impeachment notice which was based on seven offences which yet again bordered on financial misappropriation, absenteeism from official duties and causing disaffection in the state Executive Council (Exco). No doubt the money factor which never fails to rear its ugly head is a recurring decimal in these impeachment moves. What possibly can be achieved by this installation of a new governor or speaker in these last few days and weeks is difficult to comprehend beyond the very obvious grab. We the citizens can only sit and watch the political drama unfold. As those who took an oath to protect the constitution have thrown caution to the wind in pursuit of their single minded agenda. It is worthy of note that these so called impeachments do not at all comply with the stringent procedures laid down by section 188 of the 1999 Constitution as stated: (2) Whenever a notice of any allegation in writing signed by not less than one-third of the members of the House of Assembly (b) stating that the holder of such office is guilty of gross misconduct in the performance of the functions of his office, detailed particulars of which shall be specified, the speaker of the House of Assembly shall, within seven days of the receipt of the notice, cause a copy of the notice to be served on the holder of the office and on each member of the House of Assembly, and shall also cause any statement made in reply to the allegation by the holder of the office, to be served on each member of the House of Assembly. (3) Within fourteen days of the presentation of the notice to the speaker of the House of Assembly (whether or not any statement was made by the holder of the office in reply to the allegation contained in the notice, the House of Assembly shall resolve by motion, without any debate whether or not the allegation shall be investigated. (4) A motion of the House of Assembly that the allegation be investigated shall not be declared as having been passed unless it is supported by the votes of not less than two thirds majority of all the members of the House of Assembly. (5) Within

seven days of the passing of a motion under the foregoing provisions of this section, the Chief judge of the State shall at the request of the speaker of the House of Assembly, appoint a Panel of seven persons who in his opinion are of unquestionable integrity, not being members of any public service, legislative house or political party, to investigate the allegation as provided in this section. months of its appointment, report its findings to the House of Assembly. (9) Where the report of the Panel is that the allegation against the holder of the office has been proved, then within fourteen days of the receipt of the report, the House of Assembly shall consider the report, and if by a resolution of the House of Assembly supported by not less than two-thirds majority of all its members, the report of the Panel is adopted, then the holder of the office shall stand removed from office as from the date of the adoption of the report. One must note well the time frame for an impeachment: no magic or act of desperation can be invoked to shorten the process.

When one looks at Ekiti state and its political drama all one sees is potential trouble brewing which will someday soon reach boiling point and spill over if not checked. Following the victory of the APC's presidential candidate General Muhammadu Buhari at the 28th March presidential election on 1st April the 19 APC members of the House of Assembly who till then had been in hiding resurfaced and with precision executed a well-planned 10 minute Assembly session leading to a stand-off between them, the Speaker Mr. Adewale Omirin, the police and the army and the purportedly installed factional Speaker Mr. Dele Olugbemi (installed after the 7 PDP legislators purported to remove Mr. Adewale Omirin as Speaker of the House in November 2014). The House of Assembly was promptly closed by the Commissioner of Police Mr. Taiwo Lakanu in order to preserve the peace of the state. Soon after the reappearance of the 19 APC legislators the Speaker of the House Mr. Adewale Omirin issued a Notice of Gross Misconduct on the Governor on 5th April detailing at least 8 impeachable offences. Swiftly on 9th April the Speaker instructed the Chief Judge of the State to empanel an investigative committee in order to ascertain the veracity or otherwise of the Notice of Gross Misconduct served on the Governor. This was notwithstanding



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the fact that the sitting of the Members was at a public secondary school (Mary Hills Boys High School) instead of the House of Assembly. The Members stated that they invoked sections 101 and 188 of the amended 1999 Constitution, where it was not possible to be present in the House of Assembly for fear of harm to their lives and in consideration of the barricading of the premises, instead a public building sufficed for their purposes. Grounds of allegation include gross misconduct invasion of the House of Assembly with thugs and miscreants, instigating unconstitutional takeover of the House by seven legislators who sat in contravention of section 96(2) of the Constitution of the Federal Republic of Nigeria, prevention of the 19 APC legislative members from performing their legislative duties with the use of security agents and armed thugs as well as sponsoring an unlawful impeachment process in the House.

The only conclusion that can be deduced from these waves of impeachments is that they are exposing a very visible cross-section of the problem of corruption, executive impunity and the complete and utter abuse of power in government. It is hoped that come 29th May a new dawn will be welcomed where mechanisms are put in place to prevent the abuse and misuse of public office and ensure greater accountability something so desperately needed in a democratic government such as ours. We must all work towards ensuring that 29th May will not prove to be (yet another) false dawn for Nigeria but rather truly 'Morning time on Creation day.'

