**1. Executive Power of the President**

**Constitutional Basis:**

Under **Section 5(1)(a)** of the **1999 Constitution of the Federal Republic of Nigeria**, the **executive powers of the Federation** are vested in the **President**. These powers:

* Extend to the execution and maintenance of the Constitution;
* Extend to the execution of all laws made by the National Assembly;
* Include all matters on which the National Assembly has power to make laws.

**Scope of Executive Power:**

* **Appointment of Ministers, Ambassadors, and other Federal officers**, subject to Senate confirmation.
* **Deployment and use of the Armed Forces** (Section 218) for national security.
* **Declaration of a State of Emergency** (Section 305).
* **Veto power** over legislation.
* Power to **issue Executive Orders**.
* Power to **negotiate treaties and agreements**, subject to ratification by the National Assembly.

**2. Power to Declare a State of Emergency**

**Constitutional Provision – Section 305**

The **President** may **proclaim a State of Emergency** in Nigeria or any part thereof, including a **state like Rivers State**, if certain conditions exist.

**Grounds for Declaration (Section 305(3)):**

A State of Emergency may be declared when:

1. The Federation or any part is **at war**.
2. There is **danger of invasion or involvement in war**.
3. There is **breakdown of public order and public safety**.
4. There is **natural disaster or epidemic**.
5. There is **any other public danger** that threatens the Federation or any part of it.

**Procedure:**

* The **President sends a proclamation to the National Assembly** within **2 days** if they are in session, or **10 days** if not in session.
* The **National Assembly must approve** the declaration by a **simple majority**.
* Without such approval, the declaration **ceases to have effect after 14 days**.

**3. Seizure of Power During State of Emergency**

When a **State of Emergency** is declared in a state such as **Rivers State**, the President may take **extraordinary measures** to restore order. This may include:

**Suspension or Override of State Government Powers:**

* The **President may remove the elected governor and the State House of Assembly**, replacing them with **a military administrator or caretaker committee**.
* This effectively **centralizes power** in the Presidency for the duration of the emergency.

**Examples from History:**

* In **2004**, President **Olusegun Obasanjo** declared a State of Emergency in **Plateau State**, suspended the elected governor, and appointed a **sole administrator**.
* This sets a **precedent** that could be applied to **Rivers State** if the constitutional conditions are met.

**4. Application to Rivers State**

Let’s contextualize the constitutional power with **Rivers State**:

**Scenario:**

Suppose Rivers State is facing:

* **Widespread political violence** and **civil unrest**;
* **Militant activities** that threaten national security;
* Or a **power struggle** that causes a complete breakdown in governance;

Then, the **President** can:

1. **Declare a State of Emergency** in Rivers State under Section 305.
2. **Suspend the elected governor** and House of Assembly.
3. **Install a Federal Administrator** to govern temporarily.
4. Use **military or paramilitary forces** to restore peace and stability.

**Legal & Political Implications:**

* Such a move must **pass National Assembly approval**.
* It may face **judicial review** if considered politically motivated.
* It can create **tensions between federal and state structures**, especially if the state is governed by an opposition party.

**Conclusion**

The executive power of the President, particularly the power to declare a state of emergency, is a potent constitutional tool meant for exceptional circumstances. In relation to **Rivers State**, this power can be used to protect national sovereignty, restore order, and ensure good governance when democratic structures fail or are under threat. However, it must be exercised **strictly in accordance with constitutional provisions** to avoid abuse and maintain the **federal balance**.

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