

THE IMPACT OF PARTIES' INTERNAL DEMOCRACY ON NIGERIA'S DEVELOPMENT

DROLAYINKA, FELIX OLANIYI⁺

Abstract

The paper examines the authority of members of political parties to elect or recall party leadership and to vote candidates for elective offices. It argues that the Nigerian democratic dispensation is one, which encourages holding public office as a platform to amass wealth rather than service to humanity. This explains the desperation of politicians to secure one elective position or the other. In this process, there is always manipulation and abuse of party's internal democracy. In the ensuing manipulation, names of validly elected candidates that had already been submitted to INEC are often withdrawn and replaced with another. The paper also examines the financial requirements for entry into electoral competitions and that elected officials become more accountable to those who finance their campaigns than to their constituents. The paper submits that much damage had been done to the democratic governance in the country as it has been running without the desired human and national development. The paper examines the relevant laws on the issue and posits that to achieve true democracy the availability of independent judiciary is essential.

1. Introduction

The powers of a political party lie with its members and such powers include, among other things, the right to elect or recall its leaders.¹ The paper then considers the position of State Governors who assume the position of party leadership² and determine the result of party primary elections when such should be open to all, and should be free and fair.³ The violation of party internal democracy is considered in the light of the perception of public office as a platform to amass wealth as against service to humanity.⁴ Funding of political parties is meant to be done by its

⁺ LLB (LASU), LLM (Ife), LLD (Pretoria), BL; Deputy Registrar (Legal Matters), Legal Matters Unit, Registry Department, The Polytechnic Ibadan, Nigeria. E-mail: niyilayinka@gmail.com

¹ See el Rufai, N.A., "Reform of Political Party Primaries in Nigeria" paper presented at the Alliance for Credible Election Forum, Abuja, Nigeria on Wednesday, 25 January 2012 at 6.

² Egbosiuba, M., "Lack of Internal Democracy in Nigeria Political Parties Politics" <http://www.allthingsnigeria.com/2011/lack-of-internal-democracy-in-nigeria-political-parties> (accessed 5 July 2016).

³ See sec 87(1) of Electoral Act, 2010.

⁴ Egbosiuba, *op. cit.*, at 1. See also "INEC and Challenges of monitoring Political Party Campaign Financing in Nigeria" available online at: <http://nairaproject.com/projects/923.html> (accessed 18 June 2016).

members, but because of aparty, the same has been taken over by moneybags who hijack the political parties.⁵ The pre-eminent position of members in such parties as such is lost to sponsors of party candidates. The process of getting returns on investments encourages corruption in public offices.

The paper also analyses the various legislation and judicial decisions on account of primary elections with a view to determining how adequate they are in ensuring democratic ethos in the emergence of candidates seeking elective positions. It investigates whether the provisions of the Electoral Acts promote party internal democracy. The Electoral Act of 2006, which was promulgated to cure the abuse of substitution of candidates, is considered.⁶ The Act in its Section 34 restricts the substitution of an aspirant, except the conditions of “time” and “reason” are met.⁷ Section 85(1)(2) and (3) of the Electoral Act of 2010 provides what may serve as foundation for a transparent party internal democracy. It further restricts the substitution of names of candidates except on account of death or withdrawal by the candidate.⁸ Non-compliance by a political party with the provisions of the Electoral Act on primary election may lead to a disqualification of the party’s candidate from the general election.⁹ This paper then examines whether the Electoral Act in the circumstances has been able to enthrone democratic ideals at least in the intra-party level. Judicial interpretation of legislation and suggestions are made on alternative ways in which the enthronement of party internal democracy can sustain Nigeria’s democracy.

This paper considers the influence of moneybag politics, imposition of candidates by political party oligarchy and the automatic ticket for incumbent office holders due to an absence of party internal democracy. This development is viewed in the light of endemic corruption of public office holders since 1999¹⁰ and the attendant un-impressive state of development in Nigeria.¹¹ The nation’s growth and development in the area of security, economic and political situation of the Nigerian Nation are examined.

2 Party politics

Party politics is considered as a process whereby a Nation governs itself through its representatives that obtain mandate to rule through electoral processes. This

⁵ Katz, R.S. & Mair, P., “Changing Models of Party Organization and Party Democracy: The Emergence of the Cartel Party” (1995) 1(1) *Party Politics* 15.

⁶ See *Amaechi v. INEC & Others* (2008) 1 MJSC1. See also, *Ugwu & Another v. Senator Ararume & Another* (2007) 7 MJSC 1.

⁷ *Amaechi v INEC & Other, (Supra)*.

⁸ See section 33 of the Electoral Act of 2010.

⁹ Sections 33 & 87(9) of the Electoral Act of 2010.

¹⁰ Political activities and its funding aid corruption. See Section 15(5) of the 1999 Constitution.

¹¹ See Minier, J., “Democracy and Growth : Alternative Approaches” 3(3) 3 *Journal of Economic Growth* 241. See <http://www.jstor.org/stable/40215985> (accessed 2 March 2015). The paper considers section 16(1)(a) of the 1999 Constitution on whether the State in the circumstances harnesses the resources of the Nation towards having a dynamic and self-reliant economy.

article examines the processes under three sections namely; political parties and financing; democracy; and party internal democracy.

2.1 Political Parties and Financing

A political party is an organization of people, which seeks to achieve goals common to its members through the acquisition and exercise of political power.¹² It is an aggregate of people united by a common and collective desire to capture political power and authority within a legitimate and legal political framework by canvassing for votes in a democratic polity.¹³ The 1999 Constitution establishes political party system as the vehicle for canvassing votes by any public office seeker.¹⁴ Political parties act as brokers under the pluralist conception of democracy.¹⁵

Thus, to Ayoola, JSC¹⁶ political parties are essential organs of the democratic system. They are organs of political discussion and of formulation of ideas, policies and programmes. Political party streamline candidates that may participate in an election,¹⁷ this eliminates the burden of having to vote for a multitude. Yigal Mersel makes assertion on parties as essential element of democracy thus: "the parties' presumed permanence enable them to grant political credit by forming coalitions and voting agreements. Political parties are, therefore, a unique mechanism for governance, decision making, and consensus building."¹⁸

Sartori argues that the primary function of parties is to link the citizenry with the government.¹⁹ Parties offer voters the candidates and programmes, which they plan to execute if voted in. They equally offer an avenue for activism and the opportunity to take part in debate and political decision-making.²⁰ Richards Katz

¹² INEC, *op. cit.*, at 1.

¹³ See "Political Parties and Good Governance in Nigeria" Dialogue 34, African Leadership Forum held from 7th-9th April (2001). See also Patrick Ukase "Political Parties and Election/Campaign Financing in Nigeria: Interrogating the 2015 General Elections" at 6.

¹⁴ Section 221 provides that no association other than a political party shall canvass for votes for any candidate at any election.

¹⁵ Truma, D., *The Governmental Process* (Knopf, New York 1951); Dahl, R., *A Preface to Democratic Theory* (University of Chicago Press, Chicago IL, 1956).

¹⁶ *INEC v. Musa* (2003) 3 NWLR 72, at 150.

¹⁷ Elections in a democracy connote citizens direct or indirect contributions to governance, political authority is conferred on government for a term certain; it also affords the people opportunity to take position on any public matter, in the case of a referendum. To Xolela Mangcu, elections are the procedural mechanism by which people choose their government. Mangcu, X., "Election and Political Culture: Issues and Trends" (2011) 46 (1) *Journal of Public Administration* 1154.

¹⁸ See Mersel, Y., "The Dissolution of Political Parties: The Problem of Internal Democracy" (2006) 4 *International Journal of Constitutional Law* 90.

¹⁹ G Sartori. "Parties and Party Systems: A Framework for Analysis" *Colchester ECPR*, (2005) xi.

²⁰ Anstead, N., "Internal Party Democracy in Europe and the United States: Different Models in a Changing Environment" 58th Political Studies Association Annual Conference on *Democracy, Governance and Conflict: Dilemmas of Theory and Practice* 1-3 April 2008, 2.

and Peter Mair explain the facilitating role of parties thus:²¹ “parties build constantly shifting coalitions among these interests, and it is vital to their formation as facilitators of compromise and guarantors against unreasonable exploitation of one group by another that each party be open to every interest.” This paper contends that a political party is an association of people who share the same political ideology, sponsors candidates for elective offices to execute a catalogue of manifesto if elected into office. Members are educated and sensitized along the line of a political thought and programmes, and it affords a forum to conveniently disseminate information to members and to the government.

Patrick Ukase, however, contends that without funds, it would be difficult for political parties to discharge the identified obligations.²² Beyond the campaigns, money is spent on direct political purposes, political lobbying; expenses associated with newspapers and media, and the costs of litigation in politically relevant cases and research.²³ Katz and Mair²⁴ also observe the declining level of participation and involvement in party activity, with citizens opting to invest their efforts in some other narrower range ventures that can bring good returns. This, to INEC, explains the overbearing influence of large corporate and single donor funding for parties and candidates.²⁵

Party campaigns in most African countries are fraught with despicable levels of corruption and this explains the contention of Mathew Kukah that democracy in Nigeria is funded and sustained mainly from the proceeds of looting of public treasuries.²⁶ INEC thus observes consequently that elected officials are becoming more accountable to those who finance their campaigns than to their constituents.²⁷ This paper then contends that sharing of political offices such as composition of the executive organ is governed by sponsorship pattern with less attention on professional qualifications of such appointees. It is submitted that where qualified and competent people are not appointed, the desired dividends of democracy and national development may remain a myth.

²¹ Katz & Mair, *op. cit.*, at 14.

²² Parties articulate their ideas and visions to the public and by that the electorates are able to make informed choices during elections. See Ukase, *op. cit.*, at 4.

²³ Pinto-Duschinsky, M., “Financing Politics: A Global View” in Ndubisi Obiorah (ed.), *Political Finance and Democracy in Nigeria: Prospects and Strategies for Reform* (Centre for Law and Social Action (CLASA), Lagos, 2004) 13.

²⁴ Katz & Mair, *op. cit.*, at 15. The political disposition at the grass root is not impressive. See Fakir, E. & Waseem, H., “Changing Voting Powers” (2011) 46(1) *Journal of Public Administration*, 1151.

²⁵ This political financing aids corruption, which is a national problem. See sections 225 – 228 of the 1999 Constitution, section 38 (2) of the Companies and Allied Matters Act (2004) prohibits donations or gifts of company’s property or funds to a political party or association. This paper contends that the Electoral laws on party funding remains ineffective as virtually every political party access corporate funding.

²⁶ In an interview with Radio Nigeria on 22 June 2016.

²⁷ INEC and Challenges, *op. cit.*, at 1.

2.2 Democracy

The Universal Declaration of Human Rights, 1948 in Article 21(3) provides on democracy thus:²⁸ "The will of the people shall be the basis of the authority of government: this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures". Democracy, to Roux, is a sense of a value system.²⁹ To Fraser, a discursive practice,³⁰ to Santos and Ayritzer - a societal grammar,³¹ and to Cousins and Claasens, a mode of political action (a "politics").³² Danie Brand considers the works above but adopts a definition of democracy, which holds government accountable and requires it to account between elections over specific aspects of government policy.³³ In this paper, however, democracy is considered as government of the people by the people and for the people³⁴ and seeks to harmonize it with the Nigerian political dispensation. It looks rather more feasible in certain respect, to identify "a Government of a few, by that few and for the benefit principally of the few."³⁵ The few members in a political party constitute a faction, which aims at raising and spending over and above others with a view of securing party ticket for its aspirants.³⁶ Nonetheless, Katz and Mair³⁷ contend that

²⁸ The Declaration was adopted by the General Assembly of the United Nations on 10 December 1948. Article 21(1) provides that: Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. The Declaration applies in Nigeria as domesticated law.

²⁹ Roux, *Democracy* in *CLOSA* 23.

³⁰ Fraser, N., "Talking About Needs: Interpretive Contests as Political Conflicts" (1989) (99) *Welfare-State Societies Ethics* (1989) (99) 291 at 297.

³¹ de Sousa Santos, B. & Avritzer, L., "Introduction: Opening up the Canon of Democracy" in Santos (ed) *Democratizing Democracy: Beyond the Liberal Democratic Canon* (2007) xxxiv xliii-xlv.

³² Jones & Stokke (eds.), *Democratizing Development: The Politics of Socio-Economic Rights in South Africa* (2005) 153 at 246.

³³ Brand, D., "Judicial Deference and Democracy in Socio- Economic Rights Cases in South Africa, (2011) 3 *Stellenbosch Law Review* 614, 623. See also, O'Regan J in *Mazibuko v. City of Johannesburg* 2010 4 SA 1 (CC) para 160.

³⁴ Epstein, R.A., "Direct Democracy: Government of the People, by the People, and for the People" (2011) 34 *Harvard Journal of Law and Public Policy* 819.

³⁵ Votes do not count where the electorates vote in accordance with the price tag on each vote. The moneybag and sponsors of candidates as such do impose and sustain their cronies in Government for the primary purpose of ensuring the returns on political investment. Little wonder that projects are awarded not on account of priority to the people or for any certified quality, but for economic returns to he who approves the contract. This is a contrast to Section 16(2)(b) of the 1999 Constitution to the effect that material resources of the Nation shall be harnessed and distributed to serve the common good.

³⁶ Such monies are contributed by a few people and this gives them a stake on how the political party and even the Government is run. State sponsored projects are executed in a way that gives appreciable percent out as returns on political investment.

³⁷ Katz & Mair, *op. cit.*, at 14.

democracy lies primarily in the bargaining and accommodation of independently organized interests. This paper argues that literacy level of the people has to be on the rise, as ignorance and poverty compromises voters right to franchise in a democracy.

It is submitted that the various definitions of democracy highlight features such as transparency, accountability, direct and/or indirect participation of citizens. The mandate of the electorates that is given at periodic transparent elections should aim at ensuring that dividends of democracy and nation's development are attained.

2.3. Party Internal Democracy

Maria del Pilar Hernandez as well as Ruban Hernandez Valle separately provide features that make party internal democracy thus:³⁸ "The ability of party members to elect the party leadership or recall it, including their ability to elect the party's nominees to public positions;...and the provision for independent judicial review of internal party democracy." This paper then submits that party members do not elect its candidates in free and fair primary elections. Egbosiuba observes that political parties have failed to open up their parties to all party members who are eligible and want to run for office in their party primaries.³⁹ This he attributes to the overbearing influence of State Governors as leaders of the ruling political parties in the various States of the Federation.

The process of electing the party's nominees who contest for public positions is called primary election. Patrick Cole observes that Nigeria runs one of the most expensive political systems in the world, considering in particular, the cost of mobilizing the not less than 85,140 national delegates for presidential primary election.⁴⁰ The financial demands in party politics is more felt in the procurement of nomination and expression of interest forms by all aspirants which range between N27.5 million and N1.2 million Naira depending on what office is involved.⁴¹ There

³⁸ Both writers are cited in Mersel, *op. cit.*, at 95; see particularly, Maria del Pilar Hernandez, *Democracia Interna: Una Asignatura Pendiente Para Los Partidos Politicos En Mexico*, in *Partidos Politicos: Democracia Y Financiamiento de Precampanas* 127, 134-135 (Maria del Pilar Hernandez ed., Unam 2002); Ruban Hernandez Valle, *La Democracia Interna de los Partidos Politicos* [The Internal Democracy in Political Parties], in *Partidos Politicos: Democracia Interna Y Financiamiento de Precampanas*, 145, 148-150.

³⁹ The writer contends that this has made it difficult for democracy to take root at the state and local level. See Egbosiuba, *op. cit.*, at 1.

⁴⁰ This huge population cut across the grassroots and the national level. See Patrick Cole "Financing Political Parties, Elections and Corruption" See <http://www.vanguardngr.com/2016/03/financing-political-parties-elections-and-corruption> (accessed 18 June 2016).

⁴¹ The Peoples Democratic Party's presidential forms costs N22 million; senatorial seat, House of Representatives and state assemblies forms cost N4.5 million, N2.5 million and N1.2 million respectively. In the All Progressives Congress, aspirants to the office of the President are expected to pay N27.5 million. See "Lawmakers Decry High Cost of Parties' Nomination Forms" News Agency of Nigeria (NANS) <http://www.premiumtimesng.com/news/top-news/170219-lawmakers-decry-high-cost-of-parties-nomination-forms.html> accessed 15 June 2016. Sani Tukur "APC sets Edo governorship election form at N5.5 million" See <http://www.premiumtimesng.com> (accessed 15 June 2016).

are arguments in favour of political parties raising revenue from the sale of forms and thereby meeting some electioneering expenses, which such parties bear. It may even be said that some aspirants that are not so committed may be scarred out of the political race on account of the financial demands. The cost to the sustainable democratic ideals, however, outweighs whatever benefits.

Funding as it relates to aspirants contesting in primary election covers maintenance of campaign office, supporting campaign staff, procurement and maintenance of campaign vehicles, accessing internet services, advertising on radio and television, and meeting litigation expenses when necessary, incurring expenses in giving desired support on voter registration, and complementing on regular functions of the party.⁴² An aspirant may not be able to raise such sums, and which makes it irresistible to look for sponsors who have the financial strength in picking such bills.⁴³ Section 91(9) of the 2010 Electoral Act provides that no individual or other entity shall donate more than one million naira (N1,000,000.00) to any candidate.⁴⁴ In practice, however, a single sponsor would donate as much as is required to out-spend others in a political race. This notwithstanding, the applicable sanction is the payment of fine and imprisonment of the candidate.⁴⁵ The INEC thus observes on sponsorship of candidates for motives other than to give democratic returns to electoral constituencies thus:

*"Many Nigerian politicians are 'sponsored' by local and regional power brokers cum political entrepreneurs who finance their campaigns for public office. The 'sponsorship' is effectively a business transaction in which the patron recovers the 'investment' in the form of public works and procurement contracts...on assuming public office."*⁴⁶

This compromises on party membership pre-eminence and party internal democracy.⁴⁷ On the other hand, incumbent candidates at primary elections, with less stress, pick party tickets. This development establishes that there is an uneven playing field whereby the incumbent control political apparatus and uses it to his advantage.⁴⁸ The role of money in politics is arguably the biggest threat to

⁴² Duschinsky, M.P., "Party Political Funding" in Stapenhurst *et al* (eds.), *The Role of Parliament in Curbing Corruption* (The World Bank, Washington D.C, 2006) 189. See also, Ukase, *op. cit.*, at 3 & 6.

⁴³ The beneficiary undertakes to use his privileged position, after emerging victorious at the polls, to grant undue financial favour and privileges to the donor. See Ukase Ukase, *op. cit.*, at 8.

⁴⁴ See section 91(10) of the 2010 Electoral Act.

⁴⁵ The law is however not effectively applied.

⁴⁶ See INEC and challenges, *op. cit.*, at 1.

⁴⁷ This development to Minier denies a Nation of due development in the area of social, economic and political developments otherwise known as dividend of democracy. See Minier, *op. cit.*, at 3.

⁴⁸ INEC observes that incumbents seeking re-election have better access to state resources, thereby increasing their opportunity for further electoral success. See INEC, *op. cit* 1. See also Ukase, *op cit.*, at 4.

democracy worldwide today. INEC observes that money distorts the candidate's selection process within parties and largely influences who wins an election.⁴⁹ The wide discrepancies in levels of spending by candidates within political parties constrains opportunities for political competition and tend to disenfranchise challengers.⁵⁰ As such, aspirants seek to out-spend one another to emerge victorious at the party nomination processes.

Rotimi Akerodolu⁵¹ stresses on importance of transparent primaries as essential aspect of party politics. To him, when party primaries are held, aspirants are more likely to accept the collective decisions of the party, thereby reducing the tendency for disunity and invariably increasing chances of success at the polls.⁵² Mangcu⁵³ thus observes that the absence of elections or the sense that the results of elections are predetermined can reduce level of political efficacy and trust.⁵⁴ However, it is when a member is certified to have met the set criteria that he can contest party primaries as an aspirant. The name of an aspirant who scores the highest votes in the primaries is submitted to INEC as the party's candidate.⁵⁵ The processes leading to the emergence of a party's candidate is not usually hitch free.⁵⁶ This is attributed to expected personal gains, which is rated over and above service to the people. Maria del Pilar Hernandez as well as Ruban Hernandez Valle⁵⁷ accordingly recognize the provision for independent judicial review as essential features that make party internal democracy. It is submitted that the supremacy of party members under the party internal democracy cannot be enforced without law courts, which are expected to enforce political rights.

⁴⁹ See NANS, *op. cit.*, at 9.

⁵⁰ **INEC and challenges**, *op. cit.*, at 1.

⁵¹ See Njoku, Lawrence, "Free, Fair Guber Primary Key to APC's Success in Ondo" (Nigerian Tribune, Wednesday 8 June 2016), at 8.

⁵² *Ibid.*

⁵³ Mangcu, *op. cit.*, at 1154.

⁵⁴ President Umar Yar'Adua confirms that the party primaries that produced him as candidate of the PDP were corruption and intimidation ridden. Taiwo Osipitan "Constitutions, Good Governance and Corruption: Challenges and Prospects for Nigeria" www.nigerianlawguru.com/.../CONSTITUTIONS,%20GOOD%20GOVE (accessed 15 June 2016, 17).

⁵⁵ See Section 87(1)(2) and (4) of the Electoral Act, 2010.

⁵⁶ Parties even find it difficult to select candidates; creating a situation in which practically every party nomination process in Nigeria ends in a court case. **Emmanuel Oloniruha** "Promoting Credible Elections via Parties Internal Democracy" See <http://www.peoplesdailyng.com/promoting-credible-elections-via-parties-internal-democracy> (accessed 5 July 2016).

⁵⁷ See both works as quoted in Mersel, Hernandez & Ruban Hernandez Valle quoted in Mersel, *op. cit.*, at 4.

3 Pre-Election Matters and the Law

This section considers pre-election matters, particularly, the party primary elections. It also examines whether or not political parties usually follow the due requirement of the law as they select candidates for inter-party elections. Pre-election matters are conditions to meet before inter party or main election is held. Here, consideration of validity or otherwise of the nomination of aspirants using criteria such as age, sound mind, educational qualification, and absence of conviction for an offence involving dishonesty, citizenship, bankruptcy, resignation from civil or public service, non-membership of secret cult are made.⁵⁸

Having submitted a name as party's candidate, certain forces in such parties tend to abuse the electoral processes by applying to substitute such names. Section 34 of the Electoral Act, 2006 as such curtails⁵⁹ the hitherto, unhindered rights of political parties to substitute a candidate for an elective office. The 2010 Electoral Act replaces the 2006 Act and Section 33 of the 2010 Act cures the substitution of candidates and abuse of it. The section cancels parties' right to substitute names of candidates it has submitted to INEC, except on account of death or withdrawal by the candidate.⁶⁰ The 2010 Electoral Act in Section 141 rules out the incidence of a person who has not fully participated in all the stages of an election being declared a winner.⁶¹

Section 85(1)(2) and (3) of the 2010 Electoral Act⁶² lays foundation for a transparent party internal democracy. The section provides that INEC shall attend and monitor any convention, congress, conference or meeting convened for the purpose of electing members of a party's executive committees or other governing bodies; nominating candidates for an election at any level.⁶³ The INEC is to ensure that the exercise is conducted in a democratic manner, which allows for all members of the party or duly elected delegates to vote in support of a candidate of their choice.⁶⁴

⁵⁸ See Sections 66, 107, 137 and 182 of Constitution Federal Republic of Nigeria, 1999. Issue of non-conviction was considered in *Ikechi Emenike v. T.A. Orji & Others*. The 1st Respondent could not be disqualified from standing for election because the White Paper that indicted him for corruption had been set aside and quashed by an Order of a competent court. See Suit NO CA/PH/EPT/475/2007; (2008) LPELR-CA/PH/EPT/475/2007, Unreported.

⁵⁹ The Act was repealed and replaced by the Electoral Law of 2010. The new Act provides for nomination of candidates and prohibition of substitution of candidates in Section 31 and 33 respectively. 'The role of law in the process of social change is central' S.J.M. Donnelly, Reflecting on the Law: Its Reciprocal Relation with Rights, Legitimacy and other Concepts and Institutions, 603 *Annals of the American Academy of Political and Social Sciences, Law Society and Democracy: Comparative Perspectives* (January 2006) 38.

⁶⁰ The lawmakers did not avert their minds to threat and coercion that can make a candidate to write to withdraw his candidacy.

⁶¹ See Amaechi, *op. cit.*, at 2. Amaechi was declared elected having not participated in a governorship election.

⁶² See section 85(1)(2)(3) of 2010 Electoral Act.

⁶³ See section 85(2)(a) –(c) of 2010 Electoral Act.

⁶⁴ See section 85(2)(a) –(c) of 2010 Electoral Act.

Of all features of party internal democracy, aberration of party primaries tops every other violation.⁶⁵ Any political party desirous of nominating a candidate for an elective position must hold primaries for all its aspirants.⁶⁶ The paper argues that the desperation of party candidates and their sponsors to win by all means makes the meticulous regulation of the party's internal election desirable.

The Electoral Act classifies political party primaries into two, namely; the direct and indirect.⁶⁷ The direct primaries involve a process whereby all aspirants are given equal opportunity of being voted for directly by all registered members of the party.⁶⁸ The indirect primaries⁶⁹ on the other hand entail conveying a convention wherein delegates who have earlier been elected from various constituencies converge in a specified place to vote for aspirants of their choice. Members ratify the name of aspirant with the highest number of votes and his name is submitted to INEC as the party's candidate.⁷⁰ In this regard, Nasir el Rufai observes:⁷¹ "In the direct primaries system, aspirants appeal directly to voters and their preferences rather than party apparatus. This is the most democratic system of candidate selection, and makes the membership of the party the truly supreme organ of the party".

However, because the number of delegates is always few compared to where everyone votes, the practice is that they are most times induced with money. Most delegates vote as their political leader instructs and not by individual conviction.⁷² This development undermines the essence of election as an exercise of popular control of decision-making and as a reflection of political equality of citizens.⁷³ Indirect election encourages political leaders to make certain financial commitments, which is consequently recovered through looting of public treasuries.⁷⁴ It is

⁶⁵ See Hernandez & Hernandez; Mersel, *op. cit.*, at 4 on the features of party internal democracy.

⁶⁶ Section 87(1) Electoral Act, 2010.

⁶⁷ Section 87(2)

⁶⁸ Section 87(3)

⁶⁹ See Patrick Cole, *op. cit.*, at 8. Section 87(4) gives an explicit procedure on indirect election, based on the past abuses in the system. The issue of holding parallel primary elections was resolved as the law requires that election should hold at a designated centre.

⁷⁰ Section 87(4)(b)(ii) of Electoral Act 2010.

⁷¹ El Rufai, *op. cit.*, at 1.

⁷² Indirect primaries on account of the above means swollen pocket, and a mere jamboree for delegates, rather than for any serious political exercise. To el Rufai, indirect primaries give party leadership more leeway to determine outcomes of electoral contests and encourage the imposition of the will of the party leadership on the membership. See El Rufai, *op. cit.*, at 1.

⁷³ See Beetham, D., *Democracy and Human Rights* (Polity Books, University of Leeds, 1999) 92.

⁷⁴ El Rufai, *op. cit.*, at 1.

submitted that the various provisions of the Electoral Acts on primary election are useful in ensuring party internal democracy.

4 Role of the Law Courts in Enforcing Party Internal Democracy

This section examines the abuses on the part of politicians in the area of manipulation of electoral processes and the role of the law courts in enforcing political rights. The Constitution vests the judiciary with the power to enforce rights of aggrieved persons. Davies observes that the courts' power to review actions in line with the content of relevant legislation is designed to ensure that the principles of the Constitution apply.⁷⁵ For a justifiable enforcement of human rights, the Constitution in Section 6 vests judicial powers in the courts⁷⁶ and gives the mandate to adjudicate as follows:⁷⁷ "on matters between persons, or between government or authority and to any person in Nigeria and to all actions and proceedings relating thereto, for the determination of any question as to the civil rights and obligations of that person."

Party primaries, though, a political exercise has to be conducted in accordance with provisions of the law. This aligns with the rule of law, which Hayek⁷⁸ defines as the political power that can only be exercised on the basis and within the constraints of the law.⁷⁹ The Court in *Onuoha v. Okafor*⁸⁰ held that the issue of emergence of candidates to represent political parties in election is a political and domestic affair of such political parties.

In the recent case of *Shinkafi & Another v Yari & others*⁸¹, Onnoghen JSC affirms this position of the law thus: "(t)he issue of nomination of a candidate by a political party for any election is within the exclusive preserve of the political parties and that the courts have no jurisdiction to interfere." Courts, however, restate the discretion of political parties on pre-election matters where conditions-precident have been met. In the case of *Peoples Democratic Party v. Timipre & 2 Others*,⁸²

⁷⁵ See Davis, D., "Democracy: Its Influence Upon the Process of Constitutional Interpretation" (1994) 1 (10) *South African Journal on Human Rights* 103.

⁷⁶ The courts recognized by the constitution covers the Supreme Court down to a Customary Court of Appeal of a State.

⁷⁷ See Section 6 (6)(b): Jaichand observes that in order to advance human rights, one needs to approach courts. Jaichand, V., "Public Interest Litigation Strategies for Advancing Human Rights in Domestic Systems of Law" (2004) 1 *SUR International Journal on Human Rights* 127.

⁷⁸ See Hayek, F.A., *The Road to serfdom*, (1944) 92.

⁷⁹ Curoth reiterates this position. Curoth, N., "Foreign Aid, the Rule of Law, and Economic Development in Africa" (2010) 11 *University of Botswana Law Journal* 12.

⁸⁰ *Onuoha v. Okafor* was decided on the construction of Electoral Act, 1982. See *Onuoha v. Okafor* (1983) 2 SCNLR 244.

⁸¹ (2016) 3 SCM 135 at 172. Tobi J.S.C in *Dalhatu v. Turaki*, (2003) 15 NWLR (Pt 843) 300 affirms the right of political party to sponsor a candidate for an election as a domestic right of the party, which cannot be questioned by a Court of law.

⁸² *Peoples Democratic Party v. Timipre Sylva & 2 Others* (2012) 8 SCM 200.

the Supreme Court, per Rhodes-Vivour, JSC held thus:⁸³ “Nomination or sponsorship of a candidate for election is a political matter solely within the discretion of the party, and this is so because the sponsorship or nomination of a candidate is a pre-primary election affair of the party.” The Court concluded that it lacks the jurisdiction to determine whom a political party should sponsor.⁸⁴

The caveat, however, is that where applicable provisions of law prescribe certain conditions such must be complied with before a political party can handle such as its domestic affair. In the case of *Amaechi v. INEC & Others*⁸⁵ the provisions of Section 34 of the Electoral Act, 2006 which set a limit of “time and reason” to be observed for substitution of a candidate were considered. Without any court order disqualifying appellant from contesting the election, the party sought to substitute the name of second respondent for the appellant, without giving the cogent and verifiable reason for the substitution as required by section 34 of the Electoral Act, 2006. The Appellant sought to stop the party from substituting his name or disqualifying him except in accordance with the provisions of the Electoral Act.⁸⁶ The Court held as follows;⁸⁷ “the 3rd Respondent has no right to substitute the appellant for the 2nd Respondent since the reason of ‘error’ given did not and could not satisfy provisions of Section 34 of the Electoral Act, 2006.”

The Court held further that the law deems Amaechi as the authentic candidate of the political party.⁸⁸ In *Ugwu & Another v Senator Araraume & Another*,⁸⁹ the PDP in Imo State, at the same time was in another matter falling on all fours with that of Rivers State.⁹⁰ In the party’s governorship primaries in Imo State, Senator Araraume won the primaries but was substituted with one Engineer Ugwu who contested along with Araraume but came sixteenth. The reason given for the substitution was equally “error” in submitting candidates name to the INEC.

The Supreme Court in *Amaechi* considers Section 34 of the Electoral Act, 2006 that set a limit of “time and reason” and held that the conditions had taken the issue of substitution of candidates away from exclusive preserve of political parties.⁹¹ “Error in forwarding the name of a candidate” is however not an acceptable reason for

⁸³ *Ibid*, at 221.

⁸⁴ The court declined jurisdiction on pre-election matter of substitution of candidate because the 2006 Electoral Act, which gave conditional jurisdiction, has given way to the 2010 Electoral Act, which dis-allows substitution.

⁸⁵ *Amaechi, op. cit.*, at 1.

⁸⁶ Donnelly contends that when citizens are able to bring disputes concerning rights to court rather than fight in the streets the rule of law is enhanced. See Donnelly, *op. cit.*, at 37.

⁸⁷ See Musdapher, JSC at 91.

⁸⁸ See Oguntade JSC in *Amaechi v. INEC (supra)* at 67.

⁸⁹ *Ugwu & Another v Senator Araraume & Another (supra)* 1.

⁹⁰ *Ibid*.

⁹¹ Musdapher J.S.C., in *Amaechi v. INEC (supra)* at 91.

changing the name of such a candidate.⁹² The Court then held that the appellant was deemed to remain the authentic candidate of the political party.⁹³

This paper observes the tendency of forces in political parties to violate political rights of members and the fact that it takes the availability of independent arbiter⁹⁴ to instil party internal democracy in the circumstances. Primary election is essential feature of party internal democracy, this, however, may not be achieved in the absence of independent judiciary as pointed out above.

5 Effects of Violation of Party Internal Democracy

The section considers the violation of party internal democracy on account of moneybag politics, the penchant of political leaders to micro-manage the primaries, the culture of impunity and corruption in public offices and the effect on development of the Nigerian Nation.

5.1 Party Internal Democracy and Corruption

The sponsorship of political and electoral activities links with the abuse of office and corruption by political office holders. The adverse effect of money politics is thus that once a person is elected into public office, the task is to pursue policies and programmes, which can facilitate payment of electoral costs⁹⁵ as against giving the dividends of democracy. The INEC observes thus:⁹⁶ “the financial requirements for entry to electoral competition appear to be getting higher and higher, resulting in political exclusion of those who cannot afford the cost. Another concern has been that elected officials are becoming more accountable to those who finance their campaigns than to their constituents.”⁹⁷

It is observed that the process by which elected officials pay back returns on political investments is an abuse of public office and corruption. Cooper Drury *et al* thus define corruption as:⁹⁸ “the abuse of public office for private gain, whether

⁹² The Supreme Court at page 91 queried what error it was to present a person who contested in primary election and won in landslide margin.

⁹³ The Court per Oguntade J.S.C. in *Amaechi v. INEC (supra)* at 67 held as follows: what the PDP did was merely a purported attempt to effect a change of candidates. However, as it did not comply with the only method laid down by law to effect the change, the consequence in law is that the said change was never effected. In the eyes of the law, Amaechi's name earlier sent to INEC was never removed or withdrawn. This “deemed position” was equally adopted in *Inakoju v. Adeleke* (2007)1 SCM 1.

⁹⁴ See Mersel, Pilar Hernandez; Ruban Hernandez Valle, *op. cit.*, at 145 at 148-150.

⁹⁵ This leads to abuse of power and looting of state purse.

⁹⁶ See INEC and challenges, *op. cit.*, at 1.

⁹⁷ To Michael Egbosiuba, elected officials are more independent and responsive to the electorates when they are elected in a free and fair election. See Egbosiuba, *op. cit.*, at 1.

⁹⁸ See Cooper Drury *et al* “Corruption, Democracy, and Economic Growth” *International Political Science Review* (2006)(27)(2), 121. To Osakede, corruption connotes any behavior that deviates from an established norm about public trust. Osakede, K., *et al*, “Corruption in the Nigeria Public Sector: An Impediment to Good Governance and Sustainable Development” (2015) 4(8) *Review of Public Administration and Management* 79.

pecuniary or in terms of status. The gain may accrue to an individual or a group, or to those closely associated with such an individual or group. Corrupt activity includes bribery, nepotism, theft, and other misappropriation of public resources.” Osakede thus identifies corruption and abuse of office in the area of appointment to offices, award of and inflation of contract cost, embezzlement and misappropriation of funds.⁹⁹

Section 15(5) of the 1999 Constitution mandates the State to abolish all corrupt practices and abuse of power. Nonetheless, Nigeria has consistently been rated as one of the most corrupt nations in the world.¹⁰⁰ Corruption is responsible for bad governance, socio-economic and political under-development in the Nigeria’s public sector.¹⁰¹ It is observed that political activities and corruption in the public service link together on account of financial demands and questionable sources of funding of political activities. Patrick Cole considers the funding of political activities, corruption and the State’s obligation to eradicate the scourge and argues that individual donations to political parties should be regulated and scrutinized.¹⁰² It is submitted that where the funding of political activities are regulated and enforced, corruption and impunity of public office holders will reduce drastically.

5.2 Party Internal Democracy and State of Security

So much money goes into the funding of party primaries. Sponsors of candidates expect returns on their investment, which in some instances, lead to misappropriation of funds meant to procure arms and ammunition. The kind of moneybag politics that has taken its root in Nigeria since 1999 operates in a way that the elected public officials, who have spent so much on electioneering processes are out to recoup money spent. There is then a security hitch where the military is ill-equipped to discharge its duty of providing security in a nation. McKay describes the Goodluck Jonathan’s Government as a practically non-existing government that has lost credibility in providing security of lives and properties.¹⁰³

Such it is with the arms deal in which extra-budgetary spending to the tune of N643.8 billion and an additional \$2.2 billion in the foreign currency component

⁹⁹ *Ibid* at 82.

¹⁰⁰ The Transparency International Annual Corruption Perception Index In year 2000 rated Nigeria as the most corrupt nation in the world. In 2001, and 2002 Nigeria was rated the second most corrupt nation. Rankings available online at <http://www.fordham.edu/economics/vinod/cie/ti-cpi2k.htm> [2000 Index], <http://www.transparency.org/cpi/2001/2002.06.28.cpi.en.html>; <http://www.infa.please.Com/ipa/A078135Q.htm> [In 2003 Nigeria was ranked as the most corrupt country out of a total of 133]; <http://www1.transparency.org/cpi/2005/dnld/media-pack-en-pdf..>

¹⁰¹ Osakede, *op. cit.*, at 77.

¹⁰² Patrick Cole *op. cit.*, at 8. See also Section 15(5) of the 1999 Constitution.

¹⁰³ Ijewereme, O. & Dunmade, E., “Leadership Crises and Corruption in Nigeria” (2014) 2(3) *International Journal of Public Administration and Management Research* 130-140. See also, Osakede, *op. cit.*, at 80-82.

were discovered to have been misappropriated.¹⁰⁴ This paper observes the saying that security financing are beyond auditing or probity. It might have thus become convenient to accommodate political campaign finances. Monies appropriated to procure arms and ammunition are randomly diverted for other purposes.

Patrick Cole observes that all political parties have a large retinue of thugs and active armed guards who feature prominently at political party rallies and activities especially at the party primary elections.¹⁰⁵ Party oligarchy does finance the operations of this security outfit and assurances of juicy appointments are given in the event that the party wins elections. In practice however, such promises are hardly kept by political mentors. Members of such security outfits then graduate into terrorist and militant groups, which destroy lives and properties while aiming to attract amnesty largesse.¹⁰⁶

On account of so much state resources meant for arms and ammunition, but which is ploughed illegally into the party primary election, security lapses are identified as not less than 13,000 Nigerians are lost and there is displacement of many more.¹⁰⁷ The activities of militants have political undertone¹⁰⁸ and it cripple the security of lives and properties and impairs economic development of the Nation.¹⁰⁹ It is

¹⁰⁴ Raymond Dokpesi, a beneficiary of the misappropriation confessed that the N2.1 billion he received from the arms purchase account (Dasuki) was meant to provide publicity for the PDP during the 2015 general election. The Vanguard Newspaper then queries whether the PDP is an arm of the security apparatus that Dasuki thought it necessary to fund its media activities. See 'Dasuki's arms deal scandal and blood of the innocent' Vanguard 9 December 2015. See <http://www.vanguardngr.com/2015/12/dasukis-arms-deal-scandal-and-blood-of-the-innocent/> (accessed 12 June 2016).

¹⁰⁵ Patrick Cole, *op. cit.*, at 8.

¹⁰⁶ The North East militants is the Boko Haram terrorists and the Niger Delta militants that are threatening to bring Nigeria on its knees will ultimately be seeking for amnesty largesse.

¹⁰⁷ See Section 14(2)(b) of the 1999 Constitution. See also "Prospects for Democratic Consolidation in Africa: Nigeria's Transition," In an address delivered to guests at Chatham House, London, <http://www.africalink.ch/index.php/news/politics-and-diplomacy/137781-nigeria-at-chatham-house-buhari-unveils-strategies-against-nigeria-s-woes> (accessed 1 March 2015). This to the Vanguard Newspaper makes the Nigeria military most times not better than a platoon of boys scouts as they are sacked from their bases and pursued from town to town by the Boko Haram insurgents. See Dasuki, *op.cit* p 20. In the North-East, Boko Haram captured 14 local governments, drove the local authorities out and hoisted their flags. See "We Have Delivered on Security, Corruption and Economy" Being the text delivered on Democracy Day, May 29 by President Muhammadu Buhari. <http://www.gracegenerations.org/2016/05/30/we-have-delivered-on-security-corruption-and-economy/> (accessed 12 June 2016).

¹⁰⁸ The Niger Delta Avengers seeks political emancipation of the Niger Delta Zone, as well as the conduct of a referendum among all ethnic nationalities to ascertain whether the Country shall remain as one. See Ebenezer Adurokiya "Avengers Strike Again, Bomb 5 Oil Pipelines" Nigerian Tribune 4 July 2016 6.

¹⁰⁹ The activities of the militants are pure act of sabotage, which seriously affect the nation's crude oil export, national income and energy supply. Sylvester Idowu "Niger Delta Avengers Resumes Hostilities, Bombs Oil Facilities." See <http://www.thisdaylive.com/index.php/2016/07/04/niger-delta-avengers-resumes-hostilities-bombs-oil-facilities/> (accessed 4 July 2016).

submitted that the high cost, which party primary election gulps, facilitates corruption, which hampers the state of security and national development.

5.3 Party Internal Democracy and Economic Growth

Sponsors of candidates in primary elections commit so much fund into the project, believing adequate returns shall be recorded if the candidate wins. The motive behind policies and execution of projects will flow in that direction when the candidate wins. The paper contends this promotes corrupt practices in public offices with negative effect on economic growth. Osakede links the fraudulent accumulation of financial resources and the dearth of resources for investment with the economic development of Nigeria.¹¹⁰ To Alemika:¹¹¹ “Corruption militates against efficient resource planning and allocation, and undermines economic growth by discouraging investment, and compromises economic efficiency, results in high governmental expenditures as a result of inflation of contracts.”

With the identified corruption, economic prosperity and growth fails to translate to human development or shared prosperity, and this creates a society that works for just a class of people.¹¹² Unfortunately, Nigeria’s status as an oil-producing nation, with enormous revenue generation capacity from oil and non-oil exports, woefully contrasts with its decaying infrastructural and institutional development.¹¹³ This decay and pathetic state of infrastructure is not conducive for the companies and the private sector to effect economic growth.

Ijewereme and Dunmade¹¹⁴ as such contend that corruption has largely retarded the quest for sustainable growth and development in Nigeria. It has thus been described as a cancer, which attacks the vital structures, and systems, which aid

¹¹⁰ Osakede, *op. cit.*, at 8. Buhari then relates the inability of Nigeria as a major producer of crude oil, with four refineries but having to import all of its domestic needs to corruption and mismanagement. Muhammadu Buhari “Inability of 27 States to pay Salaries Disgraceful” Nigerian Tribune of Thursday 23 June 2016, 2, 7. The State has thus failed to attain a dynamic and self-reliant economy as prescribed under Section 16(1)(a) of the 1999 Constitution.

¹¹¹ Alemika, E.E.O., “Corruption and Insecurity in Nigeria” Lead presentation at the *International Conference National Security, Integration and Sustainable Development in Nigeria* organized by Ahmadu Bello University (ABU), Zaria (2012) 86. See also, Osakede, *op. cit.*, at 84.

¹¹² Buhari at Chatham House, *op. cit.*, at 21. The economic objective of the State is to control the national economy in a manner to secure maximum welfare and happiness of every citizen. See Section 16(1)(b) of the 1999 Constitution.

¹¹³ Osipitan, *op. cit.*, at 1. Adurokiya, *op. cit.*, at 21 and Idowu, *op. cit.*, at 21, all attest to the fact that bombing of oil facilities by the Niger Delta Avengers hampers the nation’s crude oil export, national income and energy supply. It then proves difficult for the State to maintain a balanced economic development as prescribed by Section 16(2)(a) of the 1999 Constitution.

¹¹⁴ Ijewereme & Dunmade, *op. cit.*, at 20; Osakede, *op. cit.*, at 9. Section 16(2)(a) of the 1999 Constitution is violated as the State has failed to direct its policies to promote a planned and balanced economic development.

the progressive functioning of the Nigerian society.¹¹⁵ It is thus submitted that democratic governance runs for the benefit of the people, but in the Nigerian situation has been running without the desired human development and that of the Nigerian Nation at large.

5.4. Party Internal Democracy and Political Development

The practice of democracy and the bloated financial spending is considered in line with impunity of public officials and the looting of public treasury. It has taken sometime for democratic governance in Nigeria to explore in-built devices to check the menace of corruption.¹¹⁶ Osipitan contends that constitutional democracy is the basis for good governance, and that good governance is the antidote for corruption.¹¹⁷

Drury, *et al*, however, raise the hope that the practice of democracy will eventually curtail or reduce the level of corruption.¹¹⁸ North¹¹⁹ contends that voters' power to remove politicians that engage in significant growth-impairing programmes is deterrence to politicians to confine their corrupt activities to economically irrelevant activities. In that light, Mersel advocates "party-ban jurisprudence,"¹²⁰ wherein parties with undemocratic structures and parties lacking in internal democracy are banned. The extreme adoption of Mersel's principle in the Nigerian situation will however, not spare any political party.¹²¹

The principle, however, applied in Nigeria in a mild form, where the Peoples' Democratic Party lost to the opposition political party allegedly for making little contribution to national development.¹²² This is an exercise of power of the electorate to effect change of leadership. An essential political feature for the electorates to effect changes in leadership or the Government is the presence of

¹¹⁵ Ogbeidi, M., "Political Leadership and Corruption in Nigeria since 1960: A Social-Economic Analysis" *Journal of Nigeria Studies* (2012) 1(2). Osakede *op. cit.*, at 9. This paper contends that the State has not in the circumstances been able to harness the resources of the nation to promote national prosperity and an efficient, dynamic and self-reliant economy which Section 16(1)(a) of the 1999 Constitution stipulates.

¹¹⁶ Transparency International, *op. cit.*, at 19.

¹¹⁷ Osipitan, *op. cit.*, at 11.

¹¹⁸ Drury, A.C. *et al*, *op. cit.*, at 126.

¹¹⁹ See North, D *Institutions, Institutional Change, and Economic Performance*, Cambridge: Cambridge University Press, (1990) 126.

¹²⁰ Mersel, *op. cit.*, at 110.

¹²¹ All the political parties in Nigeria violate party internal democracy.

¹²² The APC is an advocate of change in the attitude of impunity of Government Officials and high-level corruption. To this extent, Mesquita contends that the parasitical exploits of authoritarian government can only be curtailed by democratic activities such as voting. See de Mesquita, B. *et al*, "Political Competition and Economic Growth" (2001) 12 *Journal of Democracy* 58-72.

viable opposition party.¹²³ This is feasible where the ubiquitous opposition parties forms a formidable force against the ruling party.¹²⁴

This paper considers the proliferation of political parties which has made most parties either unviable or at best of sectional inclination. It, however, contends that for the electorate to assert their right to replace violators of party internal democracy, particularly at the federal level, a two party system is ideal for Nigeria.¹²⁵ This will pave the way for the emergence of viable opposition parties.¹²⁶ This paper contends that with viable opposition parties, the electorates will have another party in the waiting to occupy the seat of Government. This development will put the ruling party on its toes in meeting the demands of internal party democracy.

6. Conclusion

The paper has pointed out that the power of members to elect or recall party leadership and candidates for elective offices is declining in Nigeria. This is attributed to position of State Governors as party leaders and the powers of patronage that they wield which put them in a position to determine the outcome of any party primary elections. With this development, other aspirants aside the Governor's favourite in the circumstances lose out. The paper has also examined the exorbitant cost involved in picking nomination and expression of interest forms, maintaining campaign offices, paying staff salaries and related expenses. It concludes that most aspirants who cannot bear the expenses patronize sponsors and godfathers and in course of primary election, party internal democracy becomes violated. Public office is thus run as a platform to amass wealth and give returns on investment.

¹²³ The paper considers the pre-2015 electoral worth of each political party as an example. The People's Democratic Party (PDP or Ruling Party) rules in 23 States of the 36 in Nigeria. In the South West and South South, however, Action Congress of Nigeria (ACN) rules in 6 States and is the main opposition party in the country, All Nigeria Peoples Party (hereafter ANPP) controls 3 States and is the main opposition party in North East and North West of the country., Action Party Grand Alliance (APGA) controls 2 States, Congress for Political Change (CPC) and Labour Party (LP) control one State each. See <http://www.nigerianelections.org/gubernatorial.php> (accessed 12 March 2012) There are some other parties not less than 50 that have never won a single constituency election. It is submitted however that the pre-2015 General Election merger of opposition parties was successful and as such, the opposition party for the first time in the democratic history of Nigeria won the Presidential election.

¹²⁴ Drury A.C. *et al.*, *op.cit* p 18) 126. The paper contends that if the presidential primaries of the Peoples Democratic Party had been free and fair to the extent that members were able to vote in a way that power of incumbency does not confer undue benefit on Goodluck Jonathan, the wish of the people for a change could have been realized even from the PDP. Nigerians however voted for the change agenda of the opposition All Progressives Congress. This development serves as political solution to eradication of abuses of party internal democracy.

¹²⁵ Nigeria's democratic experience of two party system in 1993 was a huge success, as the country recorded its most transparent presidential election.

¹²⁶ Katz & Mair, *op. cit.*, at 15.

The Impact Of Parties' Internal Democracy On Nigeria's Development

Further, on financing political activities, the paper establishes that members' default to fund political parties attract moneybags and sponsors of political activities and the eventual hijack of political parties. The pre-eminent position of members in such parties as such becomes lost. The paper examines the desperation of politicians to hold public offices for personal aggrandizement. The various interests within a political party manifest in the nomination of candidates and substitution of the same without meeting the prescribed conditions. Given the desperation of politicians to capture power, the various laws, including the Electoral Act proved to be inadequate to enforce political rights except for the intervention of independent judiciary.