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## Resolving Political Party Disputes through Alternative Dispute Resolution

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### **Abstract**

*Political parties provide the platform for the actualization of the objective of capturing and controlling the machinery of government. The process of achieving this objective is often fraught with conflict exacerbating elements. Congresses, party primaries, elections, and appointments constitute the most visible processes that have generated disputes and threaten party cohesion and the general governance processes. The thesis sponsored by this paper is that whereas the formal judicial process of litigation has shown some strength in resolving party disputes, yet there is a budding consensus of the system's limits and failures in delivering justice, facilitating voluntariness and reconciliation, healing wounds, ensuring direct participation of disputants in resolving their disputes, reducing time and cost of resolving dispute and fostering internal party cohesion. The paper identifies lack of ideology and absence of internal democracy as factors that predispose political parties to disputes. It argues that party disputes can be effectively resolved through the deployment of Alternative, Appropriate and Amicable Dispute Resolution (ADR) options.*

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**Keywords:** *Alternative Dispute Resolution, Disputes, Election, Litigation, Political Party,*

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### **Introduction**

A more fruitful way of setting the tone for this paper is to ask whether the frequency of occurrence of political party disputes is a product of the weakness of the internal disputes/conflict management mechanisms, or the frequency of party disputes is itself a product of the conflict management system deployed by disputants/party. In other words, party disputes are common because the internal conflict management system is weak; and the internal system is weak because party members resort to litigation that polarises the party by creating a win-lose outcome with attendant damage to relationship.

This converse relationship highlights the following:

- Political parties exist to capture and control the machinery of government through the electoral process.
- This process makes use of structures including human beings at various levels
- Election, the process through which political parties achieve the objective of controlling the machinery of government has some conflict exacerbating elements
- Electoral outcomes always result in a win-lose scenario
- No matter how fair and credible the processes that produce people into offices as elected or appointed officials on the platform of a political party are, the tendency to have those who feel cheated and alienated cannot be wished away.
- Against this backdrop, it is needful to propose an alternative dispute resolution framework that will blunt the sharp edges of protracted party disputes occasioned by the adversarial and win-lose litigation process.

The internal processes of party politics are riddled with all shades of scheming that often entrench bitterness, alienation, distrust, decamping and assassination. When this happens, aggrieved party members resort to litigation as a means of addressing perceived irregularities. Gradually but inevitably, the process of litigation has structured and conditioned the way political disputes are managed. It is common to see aggrieved party members scouting for evidence by taking pictures of perceived irregularities with the caveat 'we will meet in court'. The mentality that the court holds the key to the management of party disputes has not only challenged the optimal functionality of political parties but threaten the democratic and governance processes generally. The process of litigation has unwittingly provided the framework for protracted and sustained party disputes leaving in its trail weak political parties without internal cohesion, damaged interpersonal relationships, financially drained litigants, suspicion and distrust. The true winner in the process of litigation is always the attorney, whose primary evidence of victory is the judgement delivered and his professional fee. The disputant who got judgement loses relationship.

Although, litigation as a system of resolving political party disputes has shown some strength, yet there is a budding consensus of the system's limits and failures in delivering justice, facilitating voluntariness and reconciliation, healing wounds, ensuring direct participation of disputants in resolving their disputes and fostering internal party cohesion. The management of party disputes through litigation and the instrumentality of election petitions tribunals sometimes drag on for years without any resolution. Sometimes the seeming resolution of some of the issues gives rise to additional or multiple problems and creates its own bitterness and cyclical disputes. It is therefore, imperative to devise new and creative means of assisting political parties, their candidates and other stakeholders in the electoral process manage party disputes through the deployment of Alternative/Appropriate and Amicable Dispute Resolution (ADR) options. Within this context, therefore, the paper examines factors that predisposes political parties to disputes and suggest how political party related disputes can be more appropriately managed. In doing this, the paper relies on an objective assessment of the antecedents of parties in managing the unintended consequences of the processes of internal party democracy. Whatever is the approach taken to deliver justice to disputants; it is now obvious that the expectations generated by the quest and desire for the management of party disputes through litigation have been confounded. There is a growing consensus therefore, that litigation has patently failed to contribute to party cohesion. Thus, current thinking highlights the need to pursue an internal dispute management system that places emphasis on voluntariness, participation, relationship, reconciliation, compromise and healing.

### **Providing conceptual clarity**

There is no contest as to what constitute political disputes. One constant feature of human relationship and interaction is the inevitability of conflicts arising from incompatibilities. In most instances, the context of this incompatibility frames and gives the dispute a unique identity. It is therefore common to hear qualifiers like *political* violence, *gender-based* violence *matrimonial* conflict and *political party* disputes. This clearly suggests that the understanding of the concept can be better appreciated within the limit of the context. Against this backdrop, political party dispute/conflict is used in describing a situation in which at least two parties (individuals, groups) are involved, and who: i) strive for goals which are incompatible to begin with or strive for the same goal, which, can only be reached by one party; and/or ii) want to employ incompatible means to achieve a certain goal within the context of a political party." (Lund, 1997, Galtung, 1996, Zartman, 1985; -emphasis added). The incompatibility of goals often results in disagreement which technically qualifies 'dispute'. Dispute and conflict are therefore, used interchangeably to connote a situation of disagreement as a result of

incompatibility within the party system (intra or inter). Two categories of disputes/conflicts can be distilled from the political party system. These are identified to include intra and inter party disputes. Intra party disputes describe situations of disagreements, conflicts and physical aggression within the party with attendant consequences on party cohesion. Intra-party disputes are informed by a range of factors that revolve around the fielding of members for both elective and appointive positions (Momodu & Matudi, 2013:3). The rapidity with which intra-party disputes occur agitates the minds of party men and observers and thus, calls for some introspection. Olaniyi (2009:51) makes the point when he declared that “party politics has adorned the toga of notoriety in Nigeria to the extent that its defining characteristics have been intrigues, bickering, backbiting, schisms and violence”. Inter party disputes/conflicts basically describes situations of disagreements as a result of incompatibilities of positions between one party and another. Taken together, disagreements as a result of incompatibilities within, and between political parties constitute political party disputes/conflicts in this paper.

When disagreements, conflicts and violence within or between political parties occur, the tendency is for disputants to seek redress in court through the process of litigation. As used here, litigation refers to a formal process of dispute resolution through the court system where litigants hire the services of attorneys to further the objective of securing justice on their behalf. It is a non-voluntary process that is bound by rigid rules in which dispute parties have to appear when required or are penalised. Although litigation is useful in dealing with criminal and constitutional matters, it is cost intensive, protracted, and deprives litigants’ direct participation in the resolution of their conflict and ultimately, it is an adversarial process that leaves litigants exhausted, impoverished and embittered. In contradistinction to litigation, Alternative/Appropriate Dispute Resolution (ADR) is a toolbox of some sort that contains different tools for the management of disputes. It is often used to describe a wide variety of dispute resolution mechanisms that are short of, or alternative to, full-scale court processes (CMG, n.d:4). The term can refer to everything from facilitated settlement negotiations in which disputants are encouraged to negotiate directly with each other prior to some other legal process, to arbitration systems or mini-trials that look and feel very much like a courtroom process. ADR systems may be generally categorized as mediation, negotiation, conciliation and arbitration systems.

### **Factors that predispose political parties to disputes**

There is a consensus of opinion on the factors that predispose political parties to disputes. As quoted in Yahaya & Ibrahim (2015), these factors are identified to include lack of ideology, absence of internal democracy, incumbency factor, goal incompatibility, godfatherism and politics of self-interest (Alli, 2015; Jinadu, 2015; Chukwuma & Ali, 2014; Aleyomi, 2013; Momodu & Matudi, 2013; Akindele, 2011; Chukwumerije, 2009; Olaniyan, 2009; Shale & Matlosa, 2008 and Simbine, 2005). To the above, Okoye (2015) added wrongful and illegal substitution of candidates, mean use of power of incumbency, division in political parties, the powers of the Independent National Electoral Commission to qualify and, or disqualify candidate and electoral irregularities and malfeasance. These factors form part of two overriding issues - lack of party ideology and internal democracy. What appears to be the dominant ideology of political parties in Nigeria is the craze for the primitive accumulation of wealth. Driven by this primitive tendency, party structures are personalised by the so called ‘godfathers’. Those I would rather refer to as ‘politicspreneur’. These are party men who see politics not as a call to public service, but a business enterprise. This coheres with the position of Yahaya & Ibrahim (2015) when they declared that the lack of ideology accounts for the reason why politics is seen as an avenue for the primitive accumulation of wealth in Nigeria and the incessant rate of cross-carpeting as a result of clash of interest. Momodu & Matudi

(2013:7) describes ideology as the force that fires the spirit which controls the actions and programmes of political parties. It is also central to the existence of political parties to the extent that the lack of it predisposes political parties to internal squabbles, lack of sense of direction and makes them to be mere platforms for actualizing personal interest of the few.

The deficit in party ideology is compounded by lack of internal democracy. Democracy in this context allows for a system of transparency and participation in the decision making processes of the party. This means that the process that produces the party flag bearers should be open to popular participation through the creation of a level playing ground for all stakeholders. Banire (2017) makes the point when he observed that electoral position within the structure of a political party is a subject of conferment without any consideration of the electability of the beneficiaries of the conferment. In other words, only those that the political kingmakers consider worthy are conferred with the “honour” of being the party’s candidates. When internal democracy is slaughtered on the altar of imposition, the party and indeed, the electoral process suffers. Other process that requires openness and participation is nomination for appointments. The lobbying for appointments that follows a successful electoral outing is a determinant of the stability of the party. The party is predisposed to dispute whenever the space for participation in party processes is narrowed or foreclosed. The failure of internal democracy is one of the reasons why the courts’ dockets are congested with pre-election disputes.

While the above factors are predominantly determinants of intra party disputes, inter party disputes are caused by perceived manipulation of the electoral process or circumventing of procedures. This usually occurs when the ruling party uses the power of incumbency to influence official processes in favour of the ruling party. This influence is often demonstrated in appointments, contracts, citing of public projects and anti-graft war etc. Further, is the dismissal of public officers, abuse of rights, repressive tendencies, hunting of opposition party and disregard for the rule of law. Inter party disputes are usually caused by one or a combination of these factors. These disputes in most instances are first submitted to the court of public opinion and given expression by the media especially, the new media. Whatever are the causes of political party disputes (intra or inter), they generally threaten democracy if not appropriately managed and slow the general governance process. Since intra party disagreements are the dominant triggers of political party disputes in Nigeria, a fruitful dispute management measure is therefore, one that is framed within the context of the party.

### **Snapshots of political party disputes**

The historicity of political party disputes in Nigeria is not a subject of debate. This is because incidences of party disputes dates back to the colonial era. A few examples of such disputes could be cited. Webster quoted in Yahaya & Ibrahim (2015), Nnadozie, (2005: 114) declared that the first political party in Nigeria, the Nigerian National Democratic Party (NNDP) in 1923 was “wrecked by personal jealousies and quarrels over the spoils of office”. It was further noted that lack of openness and the autocratic approach of the party caused a serious political rift that resulted in the eventual formation of the Lagos Youth Movement (LYM) in 1933 which later metamorphosed to the Nigerian Youth Movement (NYM) in 1936. Incidences of political party disputes virtually dot the political landscape of Nigeria from colonial to post independent Nigeria. Here, the review of party disputes will be narrowed to revolve around party activities from 1999. This is significant because it represents the return to democracy after several years of military dictatorship.

The dominant party within this period was the People’s Democratic Party (PDP) and as such, it was predisposed to abuse of processes that resulted in internal crisis with attendant



consequences on governance. Some major cases of internal crisis in the party include the internal division within the party in 2000 when it was divided into two camps one led by Chief Sunday Bolorunduro Awoniyi and the other headed by Chief Ume Ezeoke; the Anambra State internal tussle between former Governor Chris Ngige and his godfather, Chief Chris Uba; the Imo State crisis that led to the defection of Senator Ifeanyi Ararume to Action Group of Nigeria (ACN); the Ogun State crisis that led to the defection of Senator Ibikunle Amosun to ANPP later to ACN; the Ekiti State case that led to the defection of former Governor Segun Oni to ACN later to PDP; the crisis in Ondo State that led to the defection of Governor Segun Mimiko to Labour Party, now back to PDP; the crisis in Abia State PDP that led to the defection of former Governor Orji Uzor Kalu to the Progressive Peoples Alliance, then back to PDP and now APC and the Bayelsa State crisis that led to the defection of former Governor Timipre Silva to the All Progressive Congress (APC). In addition, internal crises within PDP led to the defection of the former Vice President, Alhaji Atiku Abubakar to ACN in 2003; former Senate President, Late Chuba Okadigbo and Late Harry Marshall to ANPP. The list is endless as there is no state controlled by PDP where the party did not record intra party crisis (Chukwuma & Ali, 2014; Eme & Anyadike, 2011; Jinadu, 2001; Nwanegbo, Odigbo and Nnorom, 2014; Ujo, 2012).

Issues bordering on lack of internal democracy in 2013 culminated in the suspension of Governor Rotimi Amechi; the dissolution of the executives of the Adamawa State chapter of the PDP and other violations of democratic principles by the party under the chairmanship of Alhaji Bamaga Tukur resulted in the formation of what was later known as the 'New PDP'. Led by Alhaji Atiku Abubakar, former Vice President; Alhaji Abubakar Kawu Baraje, former acting national chairman of the party and Chief Olagunsoye Oyinlola, former Governor of Osun State and the then secretary of the party; the following; Engineer Rabi'u Musa Kwankwaso, Governor of Kano State; Mr Chibuike Rotimi Amechi, Governor of Rivers State, Alhaji Ahmed Abdulfatah, Governor of Kwara State, Alhaji Murtala Nyako, former Governor of Adamawa State; Alhaji Aliyu Magatakarda Wamakko, Governor of Sokoto State; Alhaji Sule Lamido, Governor of Jigawa State and Alhaji Babangida Aliyu, Governor of Niger State all left the PDP at the time. The inability of the party to deploy its internal disputes management tools in resolving the crises within the party further deepened the rate of defection as members of the National Assembly including the Speaker of the House of Representatives Alhaji Aminu Waziri Tambuwal defected to the APC in 2014. Chukwuma & Ali (2014: 256) notes that the persistence of internal crisis within the PDP and the subsequent defections of the aggrieved members of the party to the opposing party "is a culmination of the perennial subterranean wrangling in the party; which stemmed from desperate ambitions, lack of ideological attachment to party system, and crass partisan opportunism". The obvious lack of appropriate internal dispute resolution mechanism that would have been able to calm vaulting tempers resulted in the defeat of PDP at the general election of 2015. Suffice to say therefore, that litigation was unable to save the soul and fortune of the party by restoring trust and relationship, cutting cost and guaranteeing victory at the polls.

The dispute around the leadership of the PDP between Ali-Modu Sheriff and Ahmed Makarfi that would have been resolved if ADR options were appropriately explored has left the party critically injured. The judgement delivered in favour of the Ahmed Makarfi led faction came at a cost that is too high for the immediate stability of the party. The win-lose outcome of the process of litigation means that Ali-Modu Sheriff and his supporters cannot immediately reintegrate into the party to ensure its growth. Litigation has entrenched bitterness, relationship is damaged, time is wasted and resources are depleted. While Ahmed Makarfi may have been seen from a legal point of view to have won the case, he has in reality, lost relationship.

The early warning signals emanating from various states suggests that the ruling All Progressives Congress (APC) is not free from disputes that litigation may end up compounding. The brewing misunderstanding (Ewubare, 2017) between Odigie-Oyegun, the APC National Chairman and Bola Ahmed Tinubu, the National leader can manifest/escalate to consume the soul of the party if not amicably managed. Other dispute signals include the dispute between the Ondo State APC party chairman Isaac Kekemeke and the Governor, Rotimi Akeredolu (Olowole, 2017), in Rivers State between the Minister for Transport, Rotimi Amaechi and Senator Magnus Abe (This Day, 2017), in Kaduna Senator between Shehu Sani and Governor Nasir El-Rufai. In Kogi between Senator Dino Melaye and Governor Yahaya Bello. In Kano, the face-off between the incumbent Governor Abdullahi Ganduje and immediate past APC governors of the state Senator Rabiu Kwankwanso appears vicious with both men loathing each other and their supporters engaged in wars of acrimony. The party is understandably split down the line between supporters of both men. (Emmanuel & Gbenga (2017). While the All Progressive Grant Alliance (APGA) is factionalised and grappling with litigation on the issue of leadership; the dispute generated by the convention of the APC has not been appropriately managed as a result, the party is not yet able to constitute its BoT more than two years after it became the ruling party and four years after the party was formed. The tendency for actors in disputes to seek redress in court through the process of litigation over matters listed above is high.

Whatever is the approach deployed in managing political party disputes, it is now obvious that it has patently failed in fostering party cohesion and entrenching cathartic processes within the party. This obvious failure accounts for party disunity as a result of distrust amongst party men, which on its own, has created conditions for defection and in a few cases, resulted in the creation of a 'party within a party'. This failure is further highlighted when considerations are made of the human and material costs of intra and inter party disputes on democracy and governance processes. Loss of lives, hate speeches, governance disruption, uncertainty, displacements and destruction of property are a few downsides of political party disputes. Against this backdrop, it is needful to suggest an alternative and appropriate disputes resolution system both at the intra and inter party levels.

### **The material and human cost of political party disputes**

There is no evidence of consensus of opinion on what constitute the cost of political party disputes. This apparent lack of consensus revolves around the fact that except on few occasions, the burden of cost of party dispute is not system driven but on the primary actor with support from friends. Against this backdrop, keeping records of the financial implications of litigation as a means of resolving party dispute by an individual (s) in a party, and across political parties in Nigeria is obviously a herculean task. What is obvious about the financial cost of party dispute is the certainty that it runs into several millions of naira. Other than the financial cost is the material and human costs of party disputes. The factionalisation of party (the emerging syndrome of having a party within a party), psychological trauma/emotional instability and high blood pressure, bankruptcy and impoverishment, negative publicity, disruption of social and economic activities, displacement of livelihood and dead and ultimately, defeat at the polls all constitute the material and human costs of party disputes. Additional costs include, distrust and suspicion, damaged relationship and bitterness, anxiety and protracted litigation processes. It may not be possible to quantify by attaching financial values to the cost elements listed above.

The cost process is further compounded when consideration is given to the number of election petitions filed in election tribunals on issues relating to submission of list of candidates and

their affidavits by political parties, issue of double nomination, political parties changing candidates and withdrawal of candidates. Okoye (2015) declared that during the 2003 elections, candidates and political parties filed a total of 574 petitions. For the 2007 elections, a total of 1,290 petitions were filed. For the 2011 elections a total of 732 petitions were filed and in the 2015 elections a total of 663 petitions were filed. These according to him exclude pre-election matters that are filed in the regular courts. In both pre-election and election matters, legal practitioners employed all sorts of subterfuge to prolong trial to allow the incumbent remain in power while the trial is going on (Okoye, 2015). The protracted process of litigation adds to the cost elements of party disputes. The most fruitful way of reducing the material and human cost of political party dispute therefore, is the deployment of an appropriate, amicable, context specific and disputants' friendly alternative to the official judicial process of litigation.

### **Alternative Disputes Resolution (ADR) Mechanism**

Alternative Dispute Resolution (ADR) is a conflict management toolbox of some sort that offers practitioners different tools for the management of conflict. Because of its contents, it is often referred to as Amicable Disputes Resolution or Appropriate Disputes Resolution. It is an effort to provide alternative to the adversarial nature of litigation that fosters a win-lose outcome with a system that has a human face and encourages joint problem solving. With its origin traced to the United States, ADR refers to a range of options that serve as alternatives to traditional litigation and *arbitration* for the resolution of disputes and generally involves the assistance of a neutral or impartial third party (ICMC Training Manual, 2016; CMG, n.d). Arbitration is considered part of ADR because it was the first well developed alternative to litigation even though it shares the same adversarial outcome with litigation. Arbitration empowers a third party to decide a dispute, though it is likely that the arbitrator with subject area expertise would better understand issues in dispute. The outcome of the process of arbitration is binding and usually, not subject to appeal. Like litigation, the process of arbitration is adversarial and mostly formal, but the proceedings take place in private and the arbitrator is usually selected by the parties. Arbitration has unfortunately become like litigation in both cost and time though more streamlined 'fast track' forms have been developed (ICMC training manual, 2016). Alternative Dispute Resolution (ADR) has intrinsic values that helps redirect conflict energies into infrastructure for peace. ADR spectrum is made up of many alternatives including binding and non-binding options. The binding options are identified to include adjudication, expert determination, Ombudsman, Arb-Med and Med-Arb. Negotiation, mediation, and conciliation are non-binding, and depend on the willingness of the parties to reach a voluntary agreement (ICMC training manual, 2016; CMG, n.d).

Most States in Nigeria have included ADR in their Civil Procedure Rules. The Federal Capital Territory (FCT) Rules 9ORDER 17) for instance, states that "a Court of Judge with the consent of the parties may encourage settlement of any matter (s) before it, by either Arbitration, Conciliation, Mediation, negotiation or any other lawfully recognised method of dispute resolution (Cited in ICMC Training Manual, 2016). Of interest and relevance to proposing an ADR framework for the management of political party disputes is mediation, negotiation and conciliation but mostly, the first two.

### **Mediation**

Mediation is a voluntary and confidential process in which a neutral person, the mediator, assists disputing parties to clarify issues, develop options and work toward a mutually beneficial resolution" (NJI, 2007). Mediators usually refrain from suggesting an outcome or solution. Certain skill sets and attributes are required to effectively mediate disputes. These include patience; good listening ability, non-judgemental, empathetic, intelligent, flexible,

imaginative, resourceful and persuasive. Through mediation, parties are encouraged to find their own creative solutions to their conflict. If the parties can find their own solutions, they are more likely to be sustainable.

### **Negotiation**

Negotiation is the act of communicating with another for the purpose of reaching an understanding presumably beneficial to both parties. It is usually the first step taken when conflict occurs (ICMC Training Manual, 2016). Negotiation systems create a structure to encourage and facilitate direct negotiation between parties to a dispute, without the intervention of a third party. This option gives disputants the opportunity of trying to sort out issues in conflict between them without the involvement of a third party.

### **Conciliation**

Conciliation is similar to mediation in the sense that it involves a third party neutral in facilitating settlement of disputes. Unlike mediation, conciliation is more formal because it may rely on only documents rather than physical presence of disputants in the resolution of disputes. Again, unlike mediation, conciliation may make recommendations for settlement. ADR options cannot substitute the formal judicial system but rather, help increase access to justice for social groups that are not adequately or fairly served by the judicial system. ADR can also reduce cost and time to resolve disputes and increase disputants' satisfaction with outcomes.

### **Characteristics of ADR**

Although the characteristics of negotiated settlement, mediation, negotiation, conciliation, and arbitration vary, all share a few common elements of distinction from the formal judicial structure. These elements permit them to address political party disputes in a manner different from judicial systems.

### **Informality**

Most fundamentally, ADR processes are less formal than judicial processes. In most cases, the rules of procedure are flexible, without formal pleadings, extensive written documentation, or rules of evidence. This informality is appealing and important for increasing access to dispute resolution for parts of the population who may be intimidated by or unable to participate in more formal systems. It is also important for reducing the delay and cost of dispute resolution. Most systems operate without formal representation.

### **Application of Equity**

Equally important, ADR options are instruments for the application of equity rather than the rule of law. Each case is decided by a third party or negotiated between disputants themselves, based on principles and terms that seem equitable in the particular case, rather than on uniformly applied legal standards. ADR systems cannot be expected to establish legal precedent or implement changes in legal and social norms. ADR systems tend to achieve efficient settlements at the expense of consistent and uniform justice.

### **Direct Participation and Communication between Disputants**

Other characteristics of ADR systems include more direct participation by the disputants in the process and in designing settlements, more direct dialogue and opportunity for reconciliation between disputants, potentially higher levels of confidentiality since public records are not typically kept, more flexibility in designing creative settlements, less power to compel information, and less direct power of enforcement.

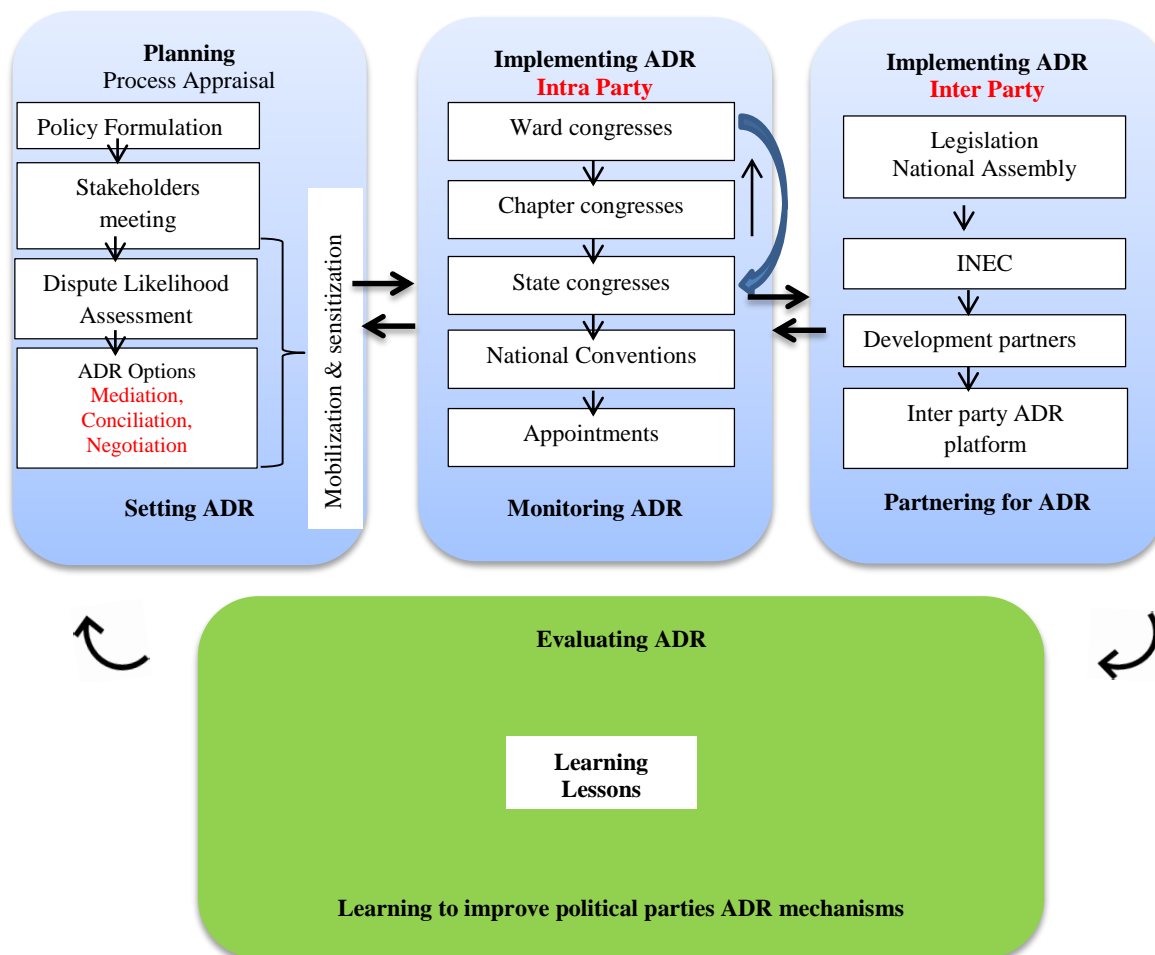


Within the context of party disputes, ADR can reduce pressure from the formal judicial system by resolving party disputes out of court, increase popular satisfaction with dispute resolution, increase access to justice for disadvantaged persons and groups; reduce delay in the resolution of disputes, reduce the cost of resolving disputes by reinforcing reconciliation, healing and relationship, restore parties to pre-dispute relationship, creation of resolution suited to parties' needs and increase voluntary compliance with resolutions.

### ADR framework for the management of intra/inter party disputes

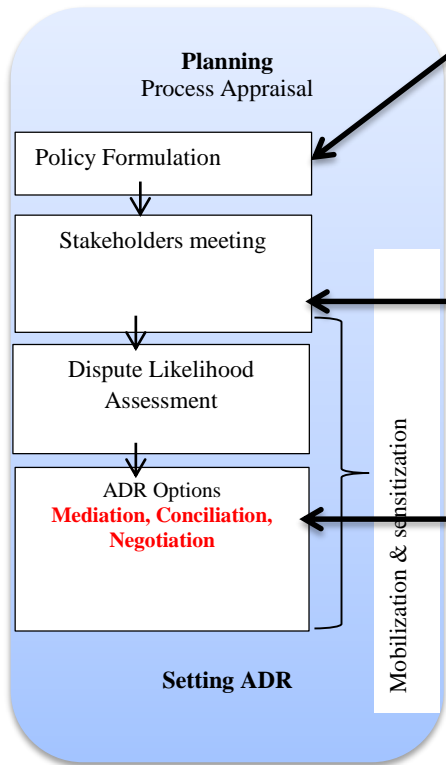
The most appropriate way of managing political party disputes is to develop internal mechanism that will identify and mitigate the interaction of negative energies at the intra party level; and in the event of crises, provide a system that accommodates these negative energies and redirect same into peace resources. This mechanism is one that calms and heals frayed nerves through Joint Problem Solving (JPS), reconciliation and reintegration in extreme cases. It is proper therefore, to propose mediation, conciliation and negotiation as part of the ADR framework for resolving party disputes. This can be further represented below.

**Figure 1.** Political Parties ADR framework



The dynamics that predispose political parties to disputes differ significantly from political interactions and power play that takes place within a political party to interactions that takes place between one party and another. The approach to deploying ADR options would therefore be different though with significant points of convergence. It is appropriate to now examine how the proposed ADR framework works. In doing that, it would be useful to dismember the framework and explain how the various phases fits into one another and how overall, the

framework supports the process of pre-empting, mitigating and amicably managing party related disputes.

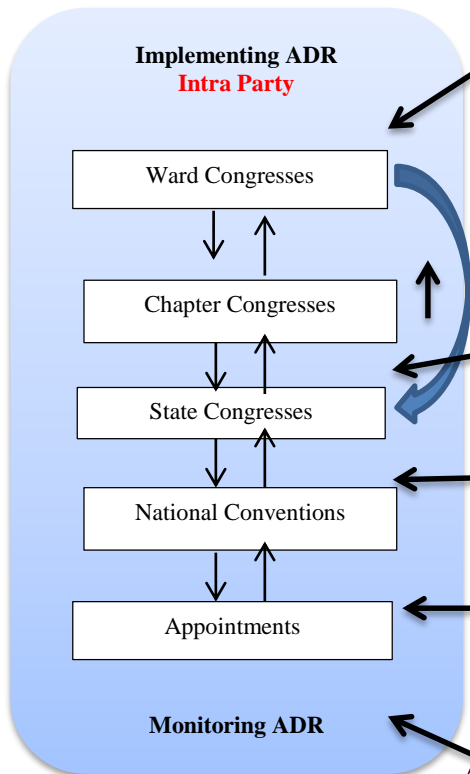


The operations of political parties are based on policies generated internally. It is at this strategic level that ADR options are codified and stakeholders made to commit to them. Consent templates are raised at this level and relevant stakeholders are made to convey their consent to explore ADR options in the event of disputes.

To expand the space for participation and buy-in, stakeholders meetings are convoked at the ward, chapter, state and national levels and their opinions on ADR options in the event of disputes secured.

A Dispute Likelihood Assessment is conducted to identify likely acts that may predispose the party to disputes.

From the results of the Dispute Likelihood Assessment, an Appropriate/Amicable/Alternative Disputes Resolution (ADR) options are framed.



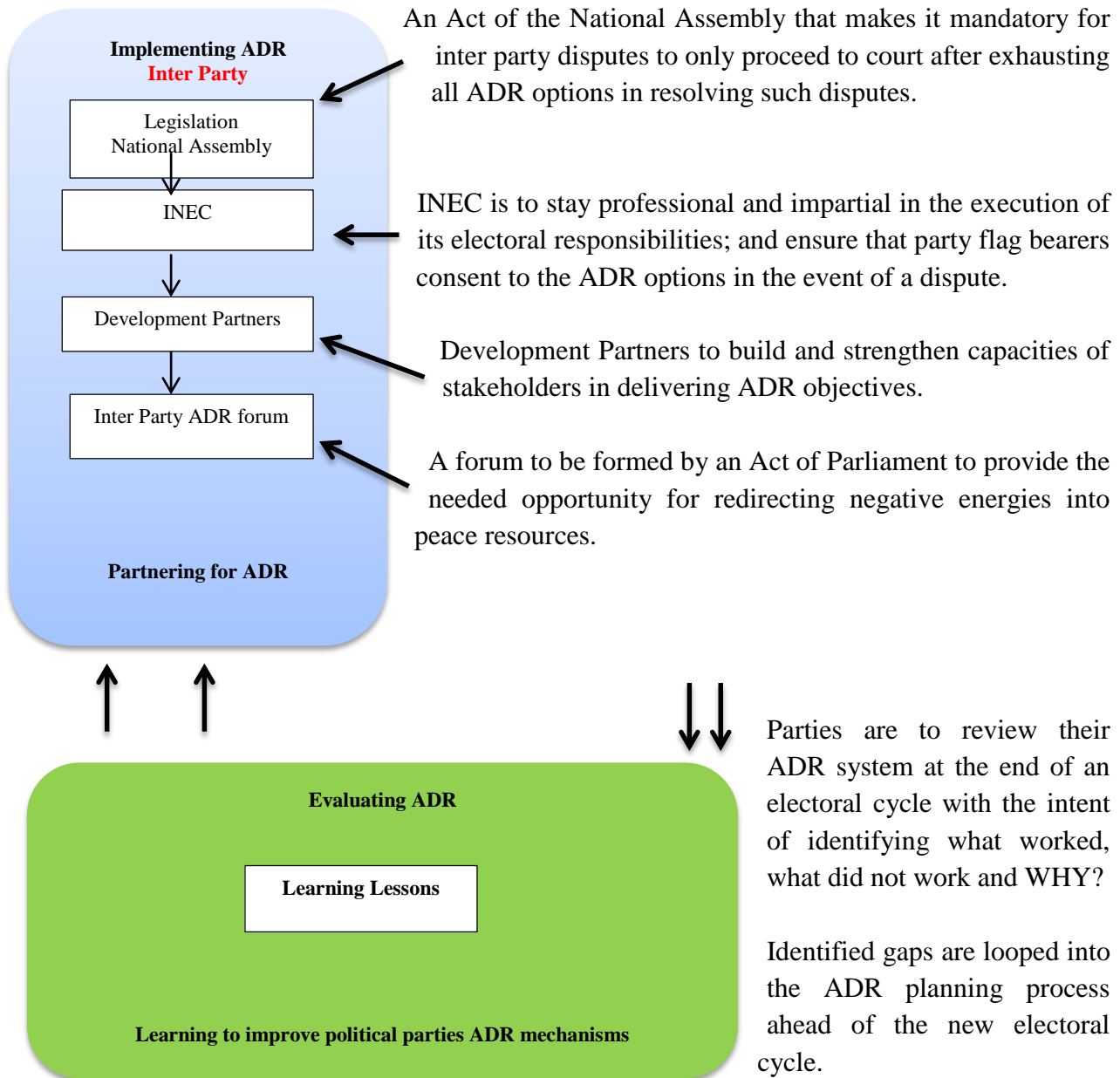
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Appointments as products of consensus



This ADR framework is proposed based on the evidence that political parties' disputes are products of multiplicity of factors. To develop an appropriate ADR system, the roles of relevant stakeholders must therefore be mapped. The National Assembly and the election management body - the Independent National Electoral Commission (INEC) have a critical part to play in the development of an ADR system for political parties. The drafting and review of the Electoral Act by the National Assembly that clearly spells out the place of ADR options in the management of intra and inter party disputes provides necessary incentives for parties to develop their own internal ADR mechanisms. This is predicated on the evidence that management of party disputes transcends the internal affairs of a political party. The Nigerian legal framework recognizes this link and therefore, in section 228(a) of the Constitution of the Federal Republic of Nigeria, 1999 (as altered) confers on the National Assembly the power to make laws providing for "...guidelines and rules to ensure internal democracy, within political parties, including making laws for the conduct of party primaries, party congresses and party convention. It was in the exercise of this power that the National Assembly enacted section 87 of the Electoral Act, 2010 (as amended). It clearly set out the guidelines, rules and steps that a

political party must follow in the nomination of its candidates for elections. Here, section 87(1) of the Act is instructive, clear and unambiguous. It provides thus: “A political party seeking to nominate candidates for election under this Act shall hold primaries for aspirants to all elective positions”. The objective of section 87 of the Electoral Act is to entrench internal party democracy and create a level playing ground for all. This provision therefore, provides incentives for the moulding of internal ADR mechanisms of party.

The role of the Independent National Electoral Commission (INEC) in making party flag bearers consent to the use of ADR options in the event of disputes would also strengthen parties in building their ADR system. It is also in the interest of the electoral process for the Independent National Electoral Commission to train some of its officers on Alternative Dispute Resolution and equally build the capacity of political parties as exemplified by this ADR training workshop for political parties. INEC can suggest the inclusion of an ADR contract clause in the Constitution of Political Parties. The ADR contract clause will allow them, by agreement to attempt to resolve any dispute between them by the use of one or more ADR processes. The judiciary can support the process by admonishing litigants to settle out of court by further exploring ADR options.

While this may entail a long review of legislative processes, a quick fix may revolve around the capacity of the party to reorganize itself and put mechanisms in place to ensure amicable resolution of disputes within the party ahead of the 2019 general elections. As suggested in the ADR framework (implementing ADR-intra party) sensitization, mobilization and participation are central to having members commit to the process of ADR. A more fruitful way in setting the appropriate foundation for ADR system is to generate a consent form to which all relevant stakeholders are made to voluntarily commit to it to explore internal ADR options in the event of a dispute except on constitutional and criminal matters. Capacity to professionally deliver ADR services is key to amicable management of party disputes. To achieve this, local capacity would have to be identified and strengthened. Overall, internal party democracy that is based on inclusion, fairness and equity would help reduce party disputes and set the right background for the amicable resolution of disputes when they eventually arise. This paper has established the fact that the formal judicial process of litigation has not been able to effectively pre-empt, mitigate and resolve party disputes and thus, suggested that a more fruitful way of resolving party disputes is the deployment of Alternative Dispute Resolution options.

## References

- Akindele, S. T. (2011), “Intra and Inter party post-election crisis/feud management in pluralistic democracy: An X-ray of the Nigerian political landscape”, *African Journal of Political Science and International Relations*, Vol. 5, No 6, pp. 287-330 (June)
- Aleyomi, M. B. (2013), “Intra party conflict in Nigeria: The case study of Peoples Democratic Party”, *Journal of Sustainable Development in Africa*. Vol. 15, No. 4.
- Alli, W. O. (2015), “INEC and the challenges of managing political parties for the success of the 2015 General Elections”, Being a paper presented at the two day conference on INEC and the 2015 Elections: expectation, prospects and challenges”, Held on 19th-20th January at Musa Abdullahi Auditorium, Bayero University, Kano
- Banire, Muiz (2017), The Courts and internal democracy in Nigerian Political. *The leadership Newspaper*. Accessed at: <http://leadership.ng/2017/07/18/courts-internal-democracy-nigerian-political-parties-muiz-banire/>
- Chukwuma, O. A. & Ali, A. H. (2014), “Dialectics of intra party opposition in Nigeria’s Fourth Republic: Insight from the ruling People’s Democratic Party (PDP)”, *European Scientific Journal*, Vol. 10, No. 7 (March), pp. 249-259

- Chukwumerije, U. (2009), "Nigeria's political parties: the need for ideology", A lecture delivered at Aminu Kano Centre for Democratic Research and Training, Mambayya House, Bayero University Kano, Aminu Kano Memorial Lecture Series
- CMG (n.d), Alternative Disputes Resolution practitioners' guide. USA
- Eme, O. I. and Anyadike, N. (2011), "Intra and Inter-party crisis in Nigeria's Fourth Republic: Implications for the sustainability and consolidation of democracy in post Third Term Nigeria", *Journal of Social Science and Public Policy*, Vol. 3, (March)
- Emmanuel Aziken & Gbenga Oke (2017), APC: Crisis of confidence everywhere. Accessed at: <http://www.vanguardngr.com/2017/08/apc-crisis-confidence-everywhere/>
- Ewubare, Kess (2017), APC crisis deepens as Tinubu snubs Oyegun. Accessed at: <https://www.naij.com/1039516-apc-crisis-deepens-tinubu-shocks-oyegun.html>
- Galtung, Johan (1996), Peace by peaceful means: Peace and conflict, development and civilization. London, Sage.
- ICMC Training Manual (2016), 110<sup>th</sup> Mediation accreditation & certification for members of the Institute of Chartered Mediators and Conciliators. Ibadan.
- Jinadu, A. L. (2015), "Challenges and prospects of Nigeria's 2015 general elections: The intersection of structure and political culture", Being a Paper Presented at the two day conference on INEC and the 2015 Elections: Expectation, prospects and challenges", Held on 19th-20th January at Musa Abdullahi Auditorium, Bayero University, Kano
- Jinadu, A. L. (2001), Political Parties and Democracy in Nigeria. Lagos: Ijede Commercial Enterprises Limited.
- Lund, Michael S. (1997), Preventing and mitigating violent conflicts: A revised guide for practitioners. Washington, D.C., Creative Associates International, April.
- Momodu, A. J. & Matudi, G. I. (2013), "The implications of Intra party conflicts on Nigeria's democratisation", *Global Journal of Human Social Science*, Vol. 13, Issue 6, Version 1.0, pp. 1-13
- NJI (2007), Training Manual on Alternative Dispute Resolution and Restorative Justice. Nigerian Judicial Institute (NJI) and the United Nations Office on Drugs and Crime
- Nnadozie, U. O. (2005), "History of elections in Nigeria", in in G. Onu and A. Momoh (Eds) Elections and democratic consolidation in Nigeria. Lagos: A-Triad Associate, pp. 112-132
- Nwanegbo, J.; Odigbo, J. & Nnorom, K. (2014), "Party defection and sustenance of Nigerian democracy", *Global Journal of Human Social Science*, Vol. 14, Issue 6, Version 1.0, pp.1-10
- Okoye, Festus (2015), Resolving political disputes through ADR. *The Herald Newspaper*. Accessed at: <http://www.herald.ng/resolving-political-disputes-through-adr/>
- Olaniyan, A. O. (2009), "Inter and Intra party squabbles in Nigeria". In S. I. Ogundiya, O. A. Olutayo & J. Amzat (Eds.), A decade of re-democratization in Nigeria (1999-2009). Sokoto: Department of Political Science, Usman Danfodiyo University, pp. 51-60
- Olowole, Josiah (2017), Akeredolu behind Ondo APC crisis. Accessed at: <http://www.premiumtimesng.com/regional/ssouth-west/233241-akeredolu-behind-ondo-apc-crisis-party-chairman.html>
- Shale, V. and Matlosa, K. (2008), "Managing intra party conflicts in Lesotho", Training Manual. United Nations Development Programme (UNDP)
- Simbine, A. T. (2005), "Political Vagrancy and democratic consolidation in Nigeria", in G. Onu and A. Momoh (Eds.), Elections and democratic consolidation in Nigeria. Lagos: A-Triad Associate, pp. 17-33
- This Day (2017), As Rivers APC crisis festers. Accessed at: <https://www.thisdaylive.com/index.php/2017/06/25/as-rivers-apc-crisis-festers/>



- Ujo, A. A. (2012), Understanding election in Nigeria: The first 50 years (1960 - 2010), Kaduna: Joyce Graphic Printers and Publishers
- Yahaya, Abubakar & Ibrahim, Bashie Saar (2015), Political Parties and Intra party Conflict in Nigeria's Fourth Republic: The Experience of the People's Democratic Party (PDP). Accessed at: [https://www.researchgate.net/publication/292577549\\_Political\\_Parties\\_and\\_Intra\\_party\\_Conflict\\_in\\_Nigeria%27s\\_Fourth\\_Republic\\_The\\_Experience\\_of\\_the\\_Peoples\\_Democratic\\_Party\\_PDP](https://www.researchgate.net/publication/292577549_Political_Parties_and_Intra_party_Conflict_in_Nigeria%27s_Fourth_Republic_The_Experience_of_the_Peoples_Democratic_Party_PDP)
- Zartman, I. W. (1985), Ripe for resolution: conflict and intervention in Africa. New York, Oxford University Press.