Examination of the Role of a Legal Adviser to a Political Party in Handling Electoral Disputes and Litigations in Nigeria

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Abstract

A legal adviser to a political party plays a significant role in the running of the political party. The roles of a legal adviser to a political party include but are not limited to being the custodian of the party's legal framework, ensuring that its activities comply with the law to prevent disputes and electoral sanctions. His role includes handling of electoral disputes and litigations among other roles. Political parties in Nigeria are essential vehicles for political representation, bound by law to function democratically and adhere to regulatory frameworks. Failure to comply with these requirements often leads to legal disputes and sanctions. In this article, we examined the concepts of legal adviser, political party and electoral disputes and litigations as well as the theoretical frameworks in handling electoral disputes and litigations. We equally examined in details the role of a legal adviser as it relates to handling of electoral disputes and litigations. This writer used doctrinal research methodology in writing this article. This article will go a long way in provoking further discussions on the topic and it will help in strengthening our democratic institution.

Key words: Examination, role, legal adviser, political party, electoral disputes and litigations

1. Introduction

The legal adviser to a political party plays a crucial role in the running of the affairs of the political party. The legal adviser guides the party to comply with the relevant sections of the electoral laws[1] to avoid disqualification of candidates. The Constitution of the Federal Republic of Nigeria 1999 (as amended) provides the framework for political parties, including the need to adhere to democratic principles in party formation and conduct. The legal adviser helps to ensure that the party's actions are in line with constitutional provisions, especially in matters relating to the running of the affairs of the political party. Section 84[2] outlines the nomination of candidates and the conduct of primaries. Section 225[3] deals with the regulation of political parties by INEC. Legal advisers ensure compliance with INEC regulations to avoid sanctions. The writer examined in details the roles of a legal adviser as it has to do with handling of electoral disputes and litigations in Nigeria. This includes representing the party in both pre-election and post-election cases, as well as handling internal party disputes that may affect the party's electoral standing. By ensuring compliance with electoral laws, representing the party in legal disputes, and defending the party's interests in both internal and external challenges, the legal adviser helps safeguard the party's standing and ensures that electoral processes are adhered to. The understanding of the role of legal adviser in this regard will go a long way in strengthening the democratic institution in Nigeria.

2. Meaning and Concept of a Legal Adviser to a Political Party in Nigeria

A legal adviser to a political party in Nigeria is a key official who provides legal counsel and support to ensure that the party operates within the bounds of the law. Their primary responsibility is to advise the party on legal matters, including compliance with the Nigerian Constitution, the Electoral Act, party Constitutions, and other relevant laws. This role extends to managing legal risks, representing the party in court, and handling issues related to party registration, electoral

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[1] For example, the Constitution of the Federal Republic of Nigeria 1999 (as amended), Electoral Act 2022, the INEC guidelines and other statutory provisions.

[2] Sections 18, 277-280 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

[2] Electoral Act 2022.

[3]Constitution of the Federal Republic of Nigeria 1999 (as amended).

disputes, candidate eligibility, and internal party democracy. The legal adviser is often part of the party's National Working Committee (NWC) and plays a crucial role in maintaining the legal framework for the party's activities, ensuring that the political party adheres to regulations imposed by the Independent National Electoral Commission (INEC). The Constitution[4] provides the framework for political parties, including the need to adhere to democratic principles in party formation and conduct. The legal adviser helps to ensure that the party's actions are in line with constitutional provisions, especially in matters that have to do with fundamental rights.[5] The Electoral Act[6] outlines several steps to be taken by political parties in the electoral processes. The legal adviser plays a crucial role in guiding the party to comply with the sections of the Electoral Act to avoid disqualification of candidates. In *PDP v INEC,*[7] the Peoples Democratic Party (PDP) had internal disputes over the nomination process for its candidates. INEC refused to recognize candidates nominated through a process that it deemed non-compliant with the Electoral Act. The court held that INEC's decision was lawful as the party had failed to comply with the relevant provisions of the Electoral Act. The legal adviser's role includes ensuring the party's internal processes comply with legal standards to prevent such disputes. Also in *Labour Party v INEC & Anor,*[8] the Labour Party faced issues when its legal adviser failed to ensure proper documentation during the party's primaries. INEC disqualified their candidates based on improper documentation. The court affirmed INEC's decision, highlighting the importance of proper legal guidance in candidate nomination. This case demonstrates the significant role of the legal adviser in overseeing party documentation and legal compliance. Equally, in *Onuoha v Okafor & Anor,*[9] which involved the internal party democracy of the Nigerian Peoples Party (NPP) during the second Republic, where a candidate challenged the party's nomination process. The Supreme Court stressed that political parties must operate within the bounds of their own constitution and the law. Any deviation could lead to legal challenges. A legal adviser ensures that party constitutions are strictly adhered to, preventing internal disputes from escalating into court cases. Also in *Ugwu v Ararume,*[10] the PDP replaced its candidate after the primary elections, leading to a lawsuit. The candidate challenged the legality of the substitution under the party's guidelines and the Electoral Act. The court ruled in favour of the candidate, emphasizing the role of legal compliance in party processes. The legal adviser should provide legal guidance during candidate substitution to ensure it complies with the party's Constitution and the Electoral Act.

3. Meaning and Concept of a Political Party in Nigeria

A political party in Nigeria is an organized group of individuals with shared political ideologies, seeking to influence government policy by nominating candidates for public office, winning elections, and controlling government power. Under the Nigerian law, political parties are regulated entities, recognized by the Independent National Electoral Commission (INEC), and are expected to function democratically and in compliance with the Constitution, the Electoral Act, and other legal frameworks. Political parties in Nigeria play critical roles in democracy by aggregating the interests of citizens, providing a platform for political participation, formulating policies, and fielding candidates for elections. Their activities, internal governance, and financial

[4]Constitution of the Federal Republic of Nigeria 1999 (as amended).
[5] As contained in Chapter 4 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).
[6] Electoral Act 2022.
[7] (2014) 17 NWLR (Pt 1437) 525.
[8] (2022) LPELR-56945(SC).
[9] (1983) 2 SCNLR 244.
[10] (2007) 12 NWLR (Pt 1048) 367.

dealings are regulated by INEC to ensure fairness and transparency. Section 221[11] provides that only a political party can sponsor candidates for elections. This section underscores the exclusive role of political parties in the electoral process. Section 222[12] outlines the requirements for the registration of political parties, such as having a constitution, registered office, and being accessible to the public. Section 84[13] governs the conduct of primary elections and nomination of candidates by political parties. It mandates democratic procedures and compliance with the law to ensure transparency in the selection process; while section 225[14] provides for the regulation of political parties by INEC, including financial transparency and submission of reports on their activities. In *INEC v Musa***,**[15] several political associations challenged INEC's refusal to register them as political parties, arguing that INEC's criteria for registration were unconstitutional. The Supreme Court held that INEC's powers were limited to ensuring that parties met the constitutional requirements and could not impose additional conditions. The court emphasized the role of political parties as fundamental to democracy. This case demonstrates the foundational principle that political parties must be allowed to function freely, provided they comply with the constitutional framework. Also in *PDP v INEC***,**[16] **t**he Peoples Democratic Party (PDP) challenged INEC's decision to recognize candidates nominated through a faction of the party, arguing that the recognized faction was not the legitimate party leadership. The court upheld INEC's decision, emphasizing that political parties must follow their own internal constitutions and procedures in conducting party activities. This case highlights the importance of internal party democracy and legal compliance principles that political parties must adhere to in Nigeria. Equally in *APC v Marafa*,[17] the All Progressives Congress (APC) was barred from fielding candidates in Zamfara State for failing to conduct its primaries in accordance with the Electoral Act. The Supreme Court held that APC's failure to comply with statutory provisions rendered their candidates' nomination invalid. This case further stressed the need for political parties to follow legal and procedural requirements. This case reinforces the requirement that political parties must adhere to democratic procedures in their internal governance, especially in the selection of candidates.[18]

4. Meaning and Concept of Electoral Dispute and Litigation in Nigeria

Electoral disputes and litigation in Nigeria refer to the legal contestations and challenges that arise in connection with the conduct, validity, or results of elections. Such disputes are usually filed by aggrieved parties, which may include candidates, political parties, or even voters, alleging that there were irregularities, non-compliance with statutory provisions, or other misconduct during the electoral process that substantially affected the outcome of the election. Electoral disputes can arise at different stages of the electoral process, including before, during, and after elections. These disputes may concern issues like the qualification of candidates; the conduct of election officials; voter registration or disenfranchisement; non-compliance with electoral laws, such as the Electoral Act; or claims of undue influence, bribery, or violence. Electoral litigation specifically refers to the legal proceedings brought before the courts or tribunals to resolve these disputes. It is often governed by specific laws and procedures outlined in Nigerian statutes such as the Electoral Act

[11]Constitution of the Federal Republic of Nigeria 1999 (as amended)**.**
[12] *Ibid*.
[13] Electoral Act 2022**.**
[14] Constitution of the Federal Republic of Nigeria 1999 (as amended)**.**
[15] (2003) 3 NWLR (Pt 806) 72.
[16] (2014) 17 NWLR (Pt 1437) 525.
[17] (2020) LPELR-49677(SC).
[18] See *Onuoha v Okafor & Anor, supra.*

2022 and the Constitution of the Federal Republic of Nigeria 1999 (as amended). In *Peter Obi & Anor v INEC & Ors,*[19] Peter Obi contested the result of the 2007 gubernatorial election in Anambra State, alleging substantial non-compliance with the Electoral Act. He argued that the Independent National Electoral Commission (INEC) had failed to conduct the election in accordance with statutory provisions and that the election result was marred by irregularities. The Court of Appeal upheld Obi's claims of substantial non-compliance, and subsequently declared Obi as the winner of the said election. This case established a precedent that substantial non-compliance with the Electoral Act could nullify an election if it affected the result of the election. Also in *Buhari v Obasanjo,*[20] General Muhammadu Buhari challenged the result of the 2003 presidential election, alleging widespread electoral malpractices and non-compliance with electoral laws, especially in terms of voter registration and result collation. The Supreme Court ruled that although there were indeed irregularities, Buhari failed to prove that the non-compliance was substantial enough to change the outcome of the election. This case demonstrated the burden of proof in electoral disputes, emphasizing that not all non-compliance with the law invalidates an election. In *Atiku Abubakar & Ors. v. INEC & Ors,*[21] Atiku Abubakar, the presidential candidate of the People's Democratic Party (PDP), challenged the result of the 2019 presidential election, alleging that the election was marred by irregularities, electronic transmission issues, and manipulation of results in some States. The Supreme Court dismissed the petition on the ground that the petitioners failed to prove the allegations of non-compliance and substantial irregularities. The court also ruled that the issue of electronic transmission of results was not sufficiently supported by law at the time. Equally, in *Wike v Peterside,*[22] the respondent challenged the results of the 2015 Rivers State gubernatorial election, alleging electoral violence, irregularities, and non-compliance with the Electoral Act. The Supreme Court upheld Wike's election, stating that although there were instances of violence and irregularities, they were not substantial enough to nullify the entire election. This case further clarified the concept of substantial compliance in electoral litigation. In *Uba v Soludo,*[23] Andy Uba of the All Progressives Congress (APC) challenged the victory of Professor Charles Soludo in the 2021 Anambra State gubernatorial election, alleging non-compliance with the Electoral Act and vote suppression. The Supreme Court upheld Soludo's victory, noting that Uba failed to provide substantial evidence of non-compliance or irregularities that could warrant nullification of the election.

5. Theories behind Electoral Dispute and Litigation in Nigeria

Electoral disputes and litigation in Nigeria are shaped by several legal theories and principles that guide the interpretation of electoral laws, the resolution of electoral conflicts, and the maintenance of democratic governance. These theories underpin the legal framework for addressing grievances arising from elections and are vital to ensuring the integrity of the electoral process. The theories are as follows:

5.1 Theory of Substantial Compliance

This theory asserts that not every irregularity or breach of election rules can invalidate an election. For an election to be annulled, the petitioner must prove that the irregularities or non-compliance with the law were substantial and affected the overall outcome of the election. In *Buhari v*

[19] (2007) 11 NWLR (Pt 1046) 565.
[20](2005) 13 NWLR (Pt 941) 1.
[21] (2019) LPELR-50295(SC).
[22] (2016) LPELR-40036(SC).
[23] (2022) LPELR-58560(SC).

Obasanjo,[24] General Muhammadu Buhari contested the 2003 presidential election results, alleging widespread irregularities. The issue before the court was whether these irregularities were significant enough to affect the outcome. The Supreme Court held that although there were irregularities, they were not substantial enough to change the election's result. The burden of proof was on Buhari to show that the non-compliance with electoral laws was substantial and affected the overall outcome. The theory of substantial compliance was central in the Court's decision. In *Wike v Peterside,*[25] the Supreme Court held that the result of the 2015 Rivers State gubernatorial election was conducted in substantial compliance with the Electoral Act, despite the allegations of irregularities. The theory of substantial compliance was upheld, with the court affirming that only material breaches capable of affecting the overall result could nullify an election.

5.2 Doctrine of Free and Fair Elections

This theory emphasizes that for an election to be valid, it must be conducted in a free and fair manner, where all participants have equal opportunities to campaign and vote. Any form of coercion, undue influence, voter suppression, or electoral fraud violates this principle. In *Ojukwu v Onwudiwe,*[26] Chief Odumegwu Ojukwu challenged the result of a House of Representatives election, alleging that the election was marred by violence, ballot box snatching, and intimidation of voters. The Supreme Court held that elections must be conducted freely and fairly. In this case, it ruled in favor of Ojukwu, nullifying the election due to the widespread violence and intimidation that compromised the fairness of the election. In *Awolowo v Shagari,*[27] Chief Obafemi Awolowo contested the 1979 presidential election, arguing that the election was not free and fair, and that there was substantial non-compliance with the electoral laws. The Supreme Court held that although there were instances of irregularities, they did not materially affect the outcome of the election. The court's focus was on whether the irregularities impaired the freedom and fairness of the election process.

5.3 Theory of Popular Sovereignty and Electoral Legitimacy

The theory of popular sovereignty posits that the legitimacy of any government arises from the consent of the governed, as expressed through free and fair elections. Electoral legitimacy is tied to this theory, as only elections conducted in accordance with legal provisions and democratic principles confer legitimacy on the winners. In *Peter Obi v INEC,*[28] Peter Obi contested the Anambra State gubernatorial election results, arguing that the election was fraught with irregularities and did not reflect the will of the people. The court ruled in favor of Peter Obi. This case reasserted the principle that electoral legitimacy derives from adherence to legal standards and the expression of popular sovereignty. Also, in *Atiku Abubakar & Ors v INEC & Ors,*[29] Atiku Abubakar contested the result of the 2019 presidential election, alleging that the election did not reflect the true will of the people due to manipulation and irregularities. The Supreme Court dismissed Atiku's petition, holding that the irregularities alleged were not substantial enough to question the legitimacy of the election. While popular sovereignty is a fundamental principle, the court emphasized that the burden of proving that the irregularities affected the electoral legitimacy was on the petitioner.

[24] (2005) 13 NWLR (Pt 941) 1.
[25] (2016) LPELR-40036(SC).
[26](1984) LPELR-2800(SC)
[27] (1979) 6-9 SC 51.
[28] (2007) 11 NWLR (Pt 1046) 565.
[29] (2019) LPELR-50295(SC).

5.4 Theory of Judicial Intervention in the Electoral Process

This theory highlights the role of the judiciary as a neutral arbiter in resolving electoral disputes. The courts are empowered by the Constitution and electoral laws to intervene and correct any violations of electoral laws that affect the integrity of elections. In *Aregbesola v Oyinlola,*[30] Rauf Aregbesola challenged the 2007 Osun State gubernatorial election, alleging widespread irregularities and vote rigging. The Court of Appeal, after a thorough review of the evidence, overturned Oyinlola's victory and declared Aregbesola the duly elected governor. The case reaffirmed the judiciary's role in electoral disputes and showed the importance of judicial intervention in upholding the integrity of the electoral process. Also in *Ngige v Obi,*[31] Chris Ngige, the then-governor of Anambra State, challenged the petition filed by Peter Obi, who claimed that he was the rightful winner of the 2003 gubernatorial election. The Court of Appeal ruled in favor of Obi, stating that Ngige was not duly elected, and that Obi was the rightful winner. This case further highlighted the role of the judiciary in ensuring justice in electoral disputes.

6. Theories of a Legal Adviser to a Political Party in Nigeria

A legal adviser to a political party plays a critical role in ensuring that the party's operations comply with the legal framework, providing guidance on internal governance, electoral compliance, and dispute resolution. Several theories underpin the role and responsibilities of a legal adviser in the political system, especially in Nigeria, where political party activities are strictly regulated. The theories are as follows:

6.1 Advisory Theory

This theory posits that the legal adviser serves primarily as a source of guidance and legal expertise to the party. The legal adviser's role involves interpreting and applying the laws that affect the party's operations, advising on electoral laws, internal party rules, and constitutional provisions. The legal adviser ensures that the party operates within the boundaries and ambits of the laws, protecting the party from legal liabilities. Section 40[32] guarantees freedom of association, which includes political parties, and by extension, the need for legal guidance to ensure proper conduct. The Electoral Act 2022 provides the legal framework for the conduct of elections and political party operations, making it essential for legal advisers to ensure strict compliance. In *PDP v INEC,*[33] the PDP was involved in a dispute over its internal primary election procedures and turned to its legal adviser for guidance on complying with the law. The court held that internal party disputes, such as primary election processes, must adhere to democratic principles, highlighting the role of legal advisers in ensuring compliance with party rules. This case underscores the advisory role of legal advisers in political party operations. Also in *APC v INEC,*[34] the APC's failure to comply with INEC's guidelines for nominating candidates led to disqualification of the candidates, raising questions about the role of the party's legal adviser. The court upheld INEC's decision, emphasizing that the party's legal advisers should have ensured full compliance with the Electoral Act. This case highlights the critical advisory role of legal advisers in guiding political parties to comply with legal procedures.

[30] (2011) LPELR-37799(SC).
[31] (2006) 14 NWLR (Pt 999) 1.
[32] Constitution of the Federal Republic of Nigeria 1999 (as amended).
[33] (2014) 17 NWLR (Pt 1437) 525.
[34] (2020) LPELR-49685(SC).

6.2 Compliance Theory

This theory focuses on the legal adviser's responsibility to ensure that the political party complies with all applicable laws, including constitutional provisions, the Electoral Act, and INEC guidelines. The legal adviser is tasked with interpreting these laws and ensuring that the party operates within the legal limits in all its activities, including candidates' selection, campaign financing and internal party governance. Sections 82 and 84[35] lay out the guidelines for candidates' selection and party primaries, which must be adhered to by political parties. INEC guidelines stipulate the rules for party registration, election monitoring, and compliance with campaign finance regulations. In *INEC v Action Congress,*[36] the Action Congress was disqualified due to non-compliance with the electoral regulations. The party's legal adviser was criticized for failing to ensure compliance. The court upheld the disqualification, emphasizing that legal adviser must ensure full compliance with INEC's guidelines. This case demonstrates the importance of the legal adviser's role in ensuring compliance with electoral laws. In *Labour Party v INEC & Anor,*[37] Labour Party's candidates were disqualified for failing to comply with the nomination process as required by INEC. The court upheld the disqualification, stressing that the party's legal advisers failed to ensure proper compliance with nomination rules. This case highlights the importance of the legal adviser in ensuring strict adherence to legal requirements.

6.3 Dispute Resolution Theory

Under this theory, the legal adviser plays a crucial role in resolving internal disputes within the political party, such as disagreements over candidate selection, breaches of party rules, and conflicts arising from party congresses. The legal adviser ensures that disputes are handled in accordance with the law and party constitutions, preventing unnecessary litigation and promoting internal cohesion. Section 85[38] outlines the legal framework for resolving disputes within political parties, emphasizing the role of legal advisers in mediation. Most political parties have Constitutions that provide dispute resolution mechanisms. In *Sheriff v PDP,*[39] a factional dispute arose within the PDP over the leadership of the party. The party's legal advisers were involved in attempts to mediate the conflict. The Supreme Court ruled in favor of the Makarfi-led faction, emphasizing the need for political parties to resolve disputes through legal and constitutional means. The role of legal advisers in resolving internal party disputes is crucial to maintaining party unity and legality. In *APGA v Umeh,*[40] a dispute arose within APGA regarding leadership and primary election procedures. The court emphasized the need for political parties to follow their own constitutions and legal frameworks in resolving internal disputes and reinforces the legal adviser's role in ensuring that disputes are resolved in accordance with the party's Constitution and applicable laws.

6.4 Strategic Theory

Legal advisers also play a strategic role in shaping the legal and political strategy of the political party. This theory asserts that legal advisers are involved in advising on electoral strategy, candidate eligibility, and other legal matters that could affect the party's success in elections. This includes advising on litigation, challenges to electoral outcomes, and the legal aspects of political

[35] Electoral Act 2022.
[36] (2007) 12 NWLR (Pt 1047) 220.
[37] (2022) LPELR-56945(SC).
[38] Electoral Act 2022.
[39] (2017) LPELR-41805(SC).
[40](2008) 34 NSCQR 351.

campaigns. Section 221[41] restricts sponsorship of candidates to political parties, meaning that legal advisers must ensure that the party's candidates meet eligibility criteria. Electoral Act 2022 equally provides a legal framework for electoral litigation and dispute resolution, which legal advisers use to guide their party's strategy. In *Faleke v INEC*,[42] following the death of the APC gubernatorial candidate in Kogi State, legal advisers played key roles in determining the strategy for substituting the candidate. The Supreme Court ruled on the succession plan, emphasizing that legal advisers must carefully navigate constitutional and electoral laws in strategizing for elections. This case illustrates the legal adviser's role in shaping party strategy during electoral contests. In *Buhari v INEC*,[43] Buhari challenged the outcome of the 2007 presidential election, relying heavily on the legal strategy provided by his advisers. While the case was dismissed, it highlighted the importance of a robust legal strategy in contesting election results. The case underscores the strategic advisory role of legal counsel during electoral litigation.

The theories outlined above demonstrate that legal advisers play multifaceted roles in the life of political parties, ensuring compliance with laws, resolving disputes, providing strategic advice, and ensuring that the party remains within the bounds of the law during electoral processes.

7. The Role of a Legal Adviser to a Political Party in handling of Electoral Disputes and Litigations in Nigeria

One of the critical roles of the legal adviser to a political party in Nigeria is managing electoral disputes and litigations. This includes representing the party in both pre-election and post-election cases, as well as handling internal party disputes that may affect the party's electoral standing. We shall now elaborate on this:

7.1 Election Petitions

Election petitions are the primary means by which candidates or political parties can challenge the validity of an election result. The legal adviser is responsible for representing the political party in such disputes, both in pre-election cases[44] and post-election petitions.[45] Section 132(7)[46] gives the framework for filing election petitions within 21 days after the declaration of the election result. Section 134[47] lists the grounds upon which an election may be questioned, including non-compliance with the Electoral Act, corrupt practices, or lack of qualification of the candidate. Section 285[48] **e**stablishes the jurisdiction of election tribunals and courts to hear and determine election petitions**.** Section 239[49] grants the Court of Appeal original jurisdiction in disputes arising from the presidential election. In *Buhari v Obasanjo***,** [50] Muhammadu Buhari, the All Nigeria Peoples Party (ANPP) candidate, challenged the result of the 2003 presidential election, alleging widespread rigging and violence. The Supreme Court upheld Obasanjo's election but laid down important principles on the burden of proof in election petitions, stressing that petitioners must

[41] Constitution of the Federal Republic of Nigeria 1999 (as amended).
[42] (2016) 18 NWLR (Pt 1543) 61.
[43] (2008) 19 NWLR (Pt 1120) 246.
[44] Cases challenging eligibility, nomination processes or procedural fairness.
[45]Cases challenging the election outcome based on allegations such as rigging, violence, or non-compliance with electoral laws.
[46] Electoral Act, 2022.
[47] *Ibid.*
[48] Constitution of the Federal Republic of Nigeria, 1999 (as amended).
[49] *Ibid.*
[50] (2005) 2 NWLR (Pt 910) 241**.**

provide concrete evidence of irregularities. In *Peter Obi v INEC*,**[51]** this involved Peter Obi's challenge to the results of the Anambra State governorship election**.** The Court of Appeal declared Obi the rightful winner, setting an important precedent on how courts can overturn election results when there is clear evidence of electoral malpractice. In *Wike v Peterside***,**[52] Nyesom Wike's election as Governor of Rivers State was challenged by Dakuku Peterside. The election was nullified at the tribunal due to allegations of widespread violence, but the Supreme Court ultimately upheld Wike's election, emphasizing the importance of substantial compliance with electoral laws.

7.2 Defense of Party Interests

Apart from election petitions, the legal adviser is also responsible for defending the party's interests in internal and external disputes. These can involve issues such as party primaries, membership disputes, or challenges to the legality of the party's processes.

7.3 Internal Party Disputes

Internal party disputes often arise from disagreements over the conduct of primaries, leadership tussles, or violation of party Constitutions. The legal adviser ensures that the party's actions comply with both its Constitution and Nigerian electoral laws to avoid legal battles that could undermine the party's standing in elections. Section 223[53] **r**equires political parties to hold democratic elections for their executive members and forbids arbitrary leadership selection. Section 84[54] **r**egulates the conduct of party primaries and nomination of candidates, mandating that they be carried out democratically and transparently. Any violation of this provision can lead to pre-election litigation. In *Ugwu v Ararume*,**[55]** that arose from a dispute within the People's Democratic Party (PDP) over the nomination of candidates. The Supreme Court ruled in favor of Ifeanyi Ararume, holding that the PDP violated its own rules in replacing Ifeanyi Ararume as the candidate. This case underscores the role of the courts in resolving internal party disputes and enforcing compliance with party constitutions. Also in *Shinkafi v Yari***,**[56] Shinkafi, a member of the All Progressives Congress (APC), challenged the conduct of the party's primary election for the Zamfara State governorship election. The court found that the party failed to adhere to its own rules, leading to the annulment of the primary result. This highlights the necessity of following party guidelines to avoid litigation.

7.4 External Challenges

External challenges often come from rival political parties, aggrieved candidates, or third parties who may contest the legality of the party's actions during the electoral process. The legal adviser ensures that these cases are handled effectively to protect the party's legal standing.

8. Conclusion and Recommendations

The legal adviser to a political party in Nigeria plays a crucial role in managing electoral disputes and litigations, from pre-election disputes to post-election disputes. By ensuring compliance with electoral laws, representing the party in legal disputes, and defending the party's interests in both internal and external challenges, the legal adviser helps to safeguard the party's standing and ensures that electoral processes are adhered to. The role of a legal adviser is critical in our democratic journey when it comes to handling of electoral disputes and litigations. It is

[51] **(2007) 11 NWLR (Pt 1046) 565.**
[52] **(2016) 7 NWLR (Pt 1512) 452.**
[53] **Constitution of the Federal Republic of Nigeria, 1999 (as amended).**
[54] **Electoral Act, 2022.**
[55] **(2007) 12 NWLR (Pt 1048) 367.**
[56] **(2016) 7 NWLR (Pt 1511) 340.**

recommended that care should be taken by political parties to ensure the emergence of well grounded legal adviser that will be in a position to navigate the onerous duties associated with handling of electoral disputes and litigations in Nigeria.