

# PARTY POLITICS AND PRE-ELECTION LITIGATIONS IN NIGERIA: THE ALL PROGRESSIVE CONGRESS (APC) 2019 ZAMFARA STATE GUBERNATORIAL PRIMARIES IN PERSPECTIVE

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## ABSTRACT

Scholars of electoral studies and democratisation are becoming more interested in the topic of courts' involvement in the Nigerian political system. Pre-election lawsuits involving intra-party disputes appear to have become a major focus of the nation's electoral process, particularly since the present democratic regime was established in 1999. This paper examined party politics and pre-election litigations in Nigeria's Fourth Republic using the Supreme Court's rulings in pre-election cases involving All Progressives Congress (APC) members in Zamfara State as a case study. The study's methodology was qualitative as it relied on secondary sources, while the method of data analysis was thematic analysis. Theoretically, this study adopted the postulations of Pareto, Michels and Mosca's elite theory as a theoretical foundation. Among other things, the study found that the political fallout from Zamfara State's APC candidate selection process had a detrimental impact on participation, representation, competition, and responsiveness. Zamfara State's pre-election lawsuit conflicts, as well as Nigeria's pre-election litigation laws generally, have sparked a number of worries about the nation's electoral process and, inevitably, the stability and consolidation of its democracy. This paper therefore concluded that pre-election litigations have had deleterious impact on the electoral process of Nigeria and could have been avoided if political parties are allowed to resolve intra-party disputes by themselves or in conjunction with INEC. The study recommended among other things that party discipline should be strict for all members in the parties irrespective of whose ox is gored. In this regard, the leadership of the parties should be answerable to the members and members, in turn, will be required to respect and obey the leadership.

**Keywords:** Democratic Consolidation, Elite Theory, Party politics, Political Party, and Pre-Election litigation



## Introduction

Since the country's constitution and Electoral Act (2022) do not allow for independent candidature, elections in Nigeria cannot be conducted outside of the confines of a political party. The only legitimate and democratically accepted political platform in the nation for the emergence of democratically elected leaders is still political parties. In Nigerian political discourses and analyses, particularly in the intra-party literature, the concept of the candidate selection process within the structure of a political party enjoys unparalleled prominence. To put it briefly, the selection of candidates has been a contentious process that has frequently resulted in intra-party violence and lawsuits/litigations (pre-election). Ejikeme (2021) submits that a higher proportion of candidates that emerge from party primaries are actually the result of compromise and imposition. In other words, studies have revealed that the majority of Nigerians think internal party democracy has an impact on leadership, governance, and economic growth in addition to election credibility. To determine the democratic shortcomings present in Nigeria's political parties, an evaluation of the candidates' ascent through the ranks of political parties is thus required. When someone is declared the winner of a contentious election, the *de jure* legitimacy of such a proclamation is still in doubt until the dispute is settled (Edoba and Doris, 2020). Specifically, the new phenomenon of increasing the number of pre-election litigations across the country in the course of every election cycle has become worrisome and embarrassing. Most of these litigations relate to intra-party disputes which linger until the end of tenures of some candidates.

Succinctly, court interventions in the Nigerian political corridor are a contemporary problem that is garnering the attention of researchers of electoral studies and democratisation. Therefore, this paper discusses this undesirable trend in light of the unresolvable pre-election conflicts among All Progressives Congress (APC) members in Zamfara State. In essence, the intra-party conflict was the never-ending struggle between the two main political factions within the party, which led to legal wrangling. The former governor of the state, Abdul'azeez Yari Abubakar, led one political faction, while Senator Kabiru Garba Marafa, a former senator representing Zamfara Central, led the other. The political rivalry between the two political actors within the opposition APC in Zamfara created a unique political scenario in the annals of the political history of Nigeria to an extent that the two political camps within one political umbrella pursued their political crises up to the level of the Supreme Court of Nigeria and culminated to the transfer of the victory of the party to the opposition Peoples Democratic Party flagbearer, Bello Muhammad Matawalle.

Captured explicitly by Ade (2019), the unsolved personal grievances between the two, the authenticity of the true faction of the party in the state, and the party primaries' nomination of candidates for the 2019 general election were the sources of the unresolvable issues. In summary, the party and all of its candidates were prohibited from running in the 2019 general elections, with the exception of the presidential race, due to the disparate problems brought up in the several court decisions. The Supreme Court of Nigeria ruled that "the APC primary elections in Zamfara were not conducted in line with the laid-down rules and that all votes cast for the APC were wasted votes," resolving the point of contention about the legitimacy of the APC primaries held by Yari (Ade, 2019). The judgement also declared that the candidates of the opposition Peoples Democratic Party, as the second runners-up in the election, are sworn in as the substantive winners of the election. This underscores the decisive impact of pre-election litigations in the electoral process. Hence, it is glaring that the unresolved vicious cycle of intra-party conflicts has many implications for Nigerian political parties and democratisation, including cross-carpeting,

violence, anti-party activities, instability, poor governance and other obstacles to proper democratisation.

Flowing from the scholarly arguments on intra-party tussles, political factionalisation of the party and legal tussles within the Zamfara State chapter of the All Progressive Congress, the crux of this paper examines precisely the basis for internal democracy and the need for promoting internal party democratic tenets in addition to the analysis of the nature, causes and manifestations of intra-party conflicts in the 2019 gubernatorial primaries of the present ruling All Progressive Congress (APC) in Zamfara State, as well as the implications that these crises or conflicts have for the future of democracy and democratisation in Nigeria. Put differently, this study is saddled with unravelling the extent to which APC party politics and the influence of untouched elites/few influential politicians culminated in a political tsunami within the party, thereby ushering in and creating an obnoxious political scenario and litigations that resulted in the party losing out on an election victory to the second runner party. Lessons learnt from this study can also serve as a cautionary lesson for the Nigerian politicians.

In order to appraise the issues raised, the paper is discussed in six parts. The first part introduces and problematizes the issue under discourse. Second part reviewed concepts related to the topic and empirical review. The methodology of this paper becomes the third section. This is followed by the fourth section which is the theoretical framework. The fifth section focuses on understanding candidate selection process in Nigeria which encapsulates discourse on party politics in the All Progressive Congress (APC) and electoral crisis in Zamfara State. The last section of this study is the conclusion and recommendations.

### **Conceptual Discourse on Democracy, Internal Democracy, Party Politics and Pre-Election Litigation**

The dynamism in Social Sciences as it relates to conceptual discourse creates avenues for conceptual expressions among scholars regarding any concept. Therefore, conceptual discourse is an indispensable aspect of research which serves as a guide to the researcher in understanding scholarly contributions towards any given phenomenon under study. This segment of this study is aimed at discussing the extent to which debates and arguments abound on the subject matter in order to understand the areas that have been extensively researched as well as grey areas in this field of study.

**Democracy:** Democracy is a form of governance in which the people themselves hold the power of sovereignty. Under this system of governance, popular sovereignty serves as the foundation for a political community's ultimate authority. According to Oyovbaire (2019), democracy is a system of government which seeks to realise a generally recognised common good through a collective initiation and discussion of policy questions concerning public affairs and which delegates authority to agents to implement the broad decision made by the people through majority vote. Expanding on this definition, Jacob and Siemann (2018) submit that democracy can be viewed from two perspectives: the perspective of the individual citizen and the perspective of the political institutions that enable the realisation of democratic goals within a given social context. Succinctly, they define democracy as a system of government where the collective choices (laws, regulations, and procedures) are a direct or indirect representation of the preferences and choices of the group of equal citizens. According to Joseph Schumpeter, democracy is the institutional framework for making political decisions in which people gain the ability to make decisions through a contest for the votes of the people (1976 cited in Omotola, 2021).

From the above, in contemporary times, democracy has been referred to as the expression of the popular will of the political community through elected representatives. Hence, it is the opinion of this paper that democracy as obtained in candidate selection across political parties in Nigeria since 1999 is a paradox when compared to what is obtainable across political parties in other parts of the world. The sanctity and respect for internal party electoral guidelines, which are the main features of internal democracy, are not visible, thereby making it difficult to differentiate between democratic government and autocracy.

**Internal Democracy:** Internal democracy denotes various means of carrying along all party members in internal party decision-making and other deliberations (Scarrow, 2004 cited in Azikiwe, 2021). Duverger (1963, cited in Ade, 2019) emphasises that internal democracy is the pillar behind the proper functioning of a democratic system. In a different way, Sartori (1977, cited in Oludare and Isah, 2019) observed that the logic of party competition is what made a vibrant, functioning democracy and not internal democracy. Internal democracy is an all-inclusive top-to-bottom approach to party decision-making involving party primaries, representation, accountability and fair ground for all members to be carried on board by the party internally.

Internal democracy, or intra-party democracy, means parties have an agreement, laid-down procedures and principles of mutual decision-making and avoidance of conflict or managing it in order to prevent arbitrary decision or imposition of candidates against the majority members' wishes. Internal democracy is vital for democratic consolidation and representation. It provides a room for proper recruitment of members, socialisation, training, discipline, accountability and transparency. Any party that lacks internal democracy is considered as undemocratic even though no political party can declare itself as undemocratic even if it is so. Some factors can undermine internal democracy by arbitrary leadership in the party and marginalisation of some party members. The effects of the absence of internal democracy create anti-party activities, conflicts, failure in elections and deviation from the principles of democracy (Omilusi, 2016).

Conventionally, internal democracy involves parties' selection of candidates, consultation, internal principles of party discipline and sanction, promotion of parties' ideology, and accountability. Hallberg (2008, cited in Omilusi, 2016) identified two major methods of promoting internal democracy: the advocacy and legal/regulatory measures. The advocacy perspective includes selection of party leaders, party representatives for election, collective decision-making and peaceful negotiation. The second aspect is legal/regulatory means, which should consist of party constitutions, gentleman agreements on principles and regulations governing representation, minority consideration, negotiation and punishment for members.

**Political Party:** There is no widely accepted definition for this concept. Simply put, political parties are organised groups whose primary goal is to contest elections, win, and seize power through the ballot. According to Likoti (2018), a political party is an association of individuals that share at least some political objectives and viewpoints and seek to influence public policy by choosing representatives. Supporting this stance, Obah-Akpowoghaha (2019) contends that a political party is a social organisation with active political agents that contest for the support of the electorates with another group or individuals who have opposing opinions. A political party is an agency to mobilise people's support at the time of elections; it is a tool for aggregation of interests that demand strident articulation. In essence, a political party is a platform or machinery for participating in the struggle for power (Johari, 2021).

A retrospective cursor into the formation, structure/nature and characteristics of political parties in Nigeria's First Republic proves that they were highly ethnic in design. While the National Council of Nigeria and the Cameroons (NCNC) led by Nnamdi Azikiwe had control of the Eastern



Region, the Northern People's Congress (NPC) led by Sir Ahmadu Bello had control of the Northern Region, whereas the Action Group (AG), led by Obafemi Awolowo, had control of the Western Region.

Arguably, today, Nigerian political parties have grown from a mere two in the Third Republic to over forty (40) registered parties in the Fourth Republic and still counting.

**Party Politics:** In their argument, Afemai and Chiagozie (2021) submit that party politics is a cornerstone of modern democratic systems, shaping the way power is acquired, exercised, and transferred within a political framework. It encompasses the structures, processes, and ideological battles between organised political parties as they compete to influence government policy, represent societal interests, and fulfil the will of the electorate. The concept is deeply rooted in the history of representative governance, where political parties emerged as mechanisms to simplify the electoral process, aggregate public opinion, and provide a platform for collective political action (Lewis, 2010 cited in Afolabi, 2020). Throughout history, Azikiwe (2021) submits that political parties have evolved from loose factions into structured, disciplined organisations that play pivotal roles in both governance and opposition. They serve as a vital link between the government and the governed, translating the needs and aspirations of the people into policies and laws. In this way, it is apt to submit that party politics facilitates the functioning of representative democracy, enabling citizens to choose leaders and hold them accountable through regular, competitive elections.

Expanding the argument above, Ndubuisi (2022) submits that party politics is not confined to election periods; it continues to influence day-to-day legislative activities, policy debates, and national decision-making processes. Through party platforms, manifestos, and ideological positioning, political parties shape public discourse and frame the issues that dominate national and local agendas. They also provide structure within legislative bodies, organising representatives and streamlining parliamentary procedures. Importantly, Ndubuisi (ibid.) posits that the nature of party politics is shaped by the political system in which it operates:

- i. In multi-party systems, coalition-building and negotiation are central features;
- ii. In two-party systems, competition tends to be more binary and confrontational.
- iii. In authoritarian regimes, party politics may exist in a limited, controlled form, often serving to legitimise the ruling elite rather than offer genuine competition.

However, while party politics can promote democratic participation and institutional stability, it is not without its flaws. Citing its flaws, Adebayo (2021) argued that party politics has become a source of deep political division, entrenchment of power, and even manipulation when parties prioritise self-interest over national welfare. The effectiveness of party politics thus largely depends on the maturity of the political culture, the integrity of institutions, and the extent to which parties adhere to democratic norms. Therefore, it is the opinion of this paper that party politics exist when elective principles are present in a state and, by implication, under a democratic regime which recognises the legitimate choice of the citizens to select or elect those to represent them in governmental offices.

**Pre-election Litigation:** Pre-election litigation, broadly speaking, refers to lawsuits filed before elections for disputed offices are held (Justin, 2009 cited in Fortune, 2023). However, the Constitution of the Federal Republic of Nigeria, 1999; the Electoral Act, 2022 (as amended); and judicial interpretation of the aforementioned constitutional amendment now provide the precise normative meaning of pre-election litigation in Nigerian electoral procedures (Ibeachu, 2020). Section 285(14) of the 1999 Constitution (as amended) explicitly defines a pre-election matter as any complaint by:

(a) an aspirant who complains that any of the provisions of the Electoral Act or any Act of the National Assembly regulating the conduct of primaries of political parties and the provisions of the guidelines of a political party for the conduct of party primaries have not been complied with by a political party in respect of the selection or nomination of candidates for an election;

(b) an aspirant challenging the actions, decisions or activities of the Independent National Electoral Commission in respect of his participation in an election or who complains that the provisions of the Electoral Act or any Act of the National Assembly regulating elections in Nigeria have not been complied with by the Independent National Electoral Commission in respect of the selection or nomination of candidates and participation in an election; and

(c) a political party challenging the actions, decisions or activities of the Independent National Electoral Commission (INEC) disqualifying its candidates from participating in an election or a complaint that the provisions of the Electoral Act or any other applicable law have not been complied with by the Independent National Electoral Commission in respect of the nomination of candidates of political parties for an election, timetable for an election, registration of voters and other activities of the Commission in respect of preparation for an election.

It is explicitly stated that all pre-election matters must be submitted within 14 days of the date of the event, judgement, or action that is the subject of the litigation. Consequently, a court of competent jurisdiction must provide a written ruling in any pre-election case within 180 days of the suit's filing date. Within 14 days after the date the judgement being appealed was delivered, an appeal of a pre-election decision must be submitted. An appeal from a court's ruling in a pre-election case must be heard and resolved within sixty (60) days of the appeal's filing date. An election tribunal or court shall not declare any person a winner of an election in which such a person has not fully participated in all stages of the election.

### **Empirical Review**

Obah-Akpowoghaha (2013), in his work titled “*Party Politics and the Challenges of Democratic Consolidation in Nigeria*”, examined the factors that determined the emergence of the party’s candidates and the impacts of the party’s lack of internal democracy on democratic consolidation in Nigeria. These were with a view to examining party politics and the challenge of democratic consolidation in Nigeria. However, the findings of the study showed that 95% of respondents agreed that money and class were the major factors that undermined or determined the position of candidates in Nigerian elections, while 90% of respondents also agreed that the power of incumbency and godfatherism greatly determined the emergence of the party’s candidates. The study concluded that party politics in the area of nomination, selection and elections have negative implications on democratic consolidation in Nigeria.

Sadeeqe and Dele (2017), in their study titled “*Contending Issues in Political Parties in Nigeria: The Candidate Selection Process*”, focused on the issue of the candidate selection process within Nigeria's political parties. Hence, the article argues that in Nigeria, primary elections are the most common method of selecting party flag-bearers, and more often than not, this process is undermined by party elites who deploy money to influence choices, thereby leading to the outright collapse of the party structures, which are expected to breed internal democracy. This, in turn, hinders the emergence of credible candidates and also gives rise to internal party squabbles, litigation, and the exclusion of certain segments of society, notably women, youth, and people with disabilities. Therefore, the authors conducted a series of interviews with party leaders from three political parties and officials of the Independent National Electoral Commission (INEC) and prominent members of civil society organisations.

Mohammed, Saminu & Aliyu (2023), in their work titled “*Candidate Selection Process and Internal Democracy in Zamfara State, Nigeria: A Study Of 2019 All Progressives Congress (APC) Gubernatorial Primaries*”, submit that candidate selection is one of the major functions of political parties in a pluralist democracy. The selection process is also very important in determining the extent of political parties’ capability to remain united, mobilise support and win elections. Internal party democracy has implications on the larger democratisation process and indeed could strengthen democracy itself in the long run. Their study looks at the problems of candidate selection encountered by the All Progressives Congress (APC) in Zamfara State, which led to the disqualification of the party in the 2019 gubernatorial election. Therefore, in order to achieve this, the paper used pluralist theory as a theoretical framework. The paper also relies on qualitative data which were analysed using qualitative content analysis. The work found that instead of the party in Zamfara State using the election method in selecting its candidates, it tried imposing certain people against the wish of the majority. This led to the breakdown of the party and its disqualification by the Independence National Electoral Commission (INEC). The consequence of this is the negative impact on the consolidation of internal democracy in Zamfara State and Nigeria at large.

Eme and Anyadike (2021), in their work titled “*Intra and Inter-Party Crises in Nigeria’s Fourth Republic: Implications for the Sustainability and Consolidation of Democracy in Post-Third Term Nigeria*”, contend that political parties across the globe represent a significant avenue through which differences among individuals and groups in democratic societies are resolved. Also, they provide a platform for the occupation and succession of candidates to governmental offices. However, the history of political party activities since 1999 is replete with so many crises that they have rather than furthering democratic ethos, indeed become stumbling blocks to the attainment of stable democratic order. The implication is that, if the original founders and party faithful are pushed to the wall, they would be left with no alternative but to move en masse with their political structures to form new ones. Their research therefore contends that there is a need for an adequate grasp of the nature and dynamics of intra- and inter-party crises that have characterised Nigeria’s Fourth Republic with a view to drawing lessons for a virile party competition that promotes sustainable democracy in post-third-term Nigeria.

Martin and Christopher (2022), in their study titled “*Judicialising Party Primaries: Contemporary Developments in Nigeria*”, explore the judicialisation of party primaries in contemporary Nigeria, which is a defining feature of the country’s electoral politics. Since the inception of the Fourth Republic, the lack of internal democracy within the parties has been the source of protracted crises during nomination, and this often gravitates to the serenity of the court(s). Dominant disquisitions in legal theory contend that disputed primaries are internal party affairs; hence, they are non-justiciable. Drawing on primary and secondary data – YouTube interviews, the Constitution, the Electoral Act, judicial rulings, media reports, and personal observation – this article argues that to the extent that political parties are juridical entities, disputed primary elections are justiciable, hence a legal question to be resolved by the judiciary. To validate our argument, the article draws on Raphael’s (1970) notion of universal and compulsory jurisdiction. Our enquiry reveals that the failure of the internal mechanisms of the parties to resolve disputed party primaries accounts for aggrieved aspirants’ reliance on legal redress. While this approach has been questioned from a legalistic point of view, the constitutionality of seeking legal redress has its provenance in the change of legal regime regulating party primaries, which has shaped, reshaped, and positively impacted electoral democracy in Nigeria.



## Theoretical Framework

In Social Sciences, any political inquiry without a conceptual or theoretical framework is usually conceived as an exercise in futility. Hence, the essence of theories and concepts need not be overemphasised here. This study therefore adopts the postulations of Vilfredo Pareto, Gaetano Mosca and Robert Michel's Elite Theory to have a grasp of the major issue surrounding the issue under discourse in this study.

### Elite Theory

The theory was formulated in the 1930s by Vilfredo Pareto, Gaetano Mosca, and Robert Michels (Anazodo et al., 2019). The main thrust of elite theory connotes that elites control and exploits the non-elites because of the sensitive positions they occupy in the society. Pareto (1935, cited in Amundsen, 2019) opines that every society is divided into two unequal strata: lower stratum and higher stratum. The lower stratum is made up of the non-elite, while the higher stratum is made up of the elite. The elite class is further divided into the governing elite and the non-governing elite. The governing elite dominate all vital political appointments and influence major political decisions in any given political structure or system. Elites and non-elites are not stable; they are subject to change. New elites rise and take the old elite's place. This change is called the law of circulation of elites (Pareto, 1935, as cited in Omotoso, 2010). The scholar goes further to argue that the elite class is usually the richest. The governing elite establish its control over the subject classes by using force and providing great wealth. Bargaining, concessions, and deceit are the kinds of policies used by the ruling elite. Economic prosperity not only keeps the ruling class in power but also makes it easy to govern society beyond the period of depression and affects the type of political regimes.

Succinctly, Mbah (2018) submits that the class that rules usually has economic power, while the people who are ruled are mostly the people who work for the elite (property owners and industrialists). It is therefore obvious to contend elite theory formed an essential part of the political doctrine which was critical of modern democracy and hostile to modern socialism. The elite are those people who have some qualities that differentiate them from the general mass of people. Hence, democratic systems must rely on the wisdom, loyalty, and skill of their political leaders, not on the population at large.

On the application of the elite theory, the political battle between Senator Kabiru Marafa and the then Governor Yari was basically for the control of the party structure of the party in the state. Hence, all they (conflicting elites) are interested in is the hegemonic control of candidate selection at the detriment of the party delegates across the state. On the extreme, the selfish actions of these elites affected the outcome of the primaries, which were later nullified by the pronouncement of the Supreme Court in 2019.

## Methodology

The study adopts a qualitative research method as its research design. Therefore, the secondary sources of data were used to generate relevant information on party politics and pre-election litigations in Nigeria with the 2019 gubernatorial primaries of the All Progressive Congress in Zamfara State. The sources include journal articles, newspapers, INEC pamphlets, court pronouncements relating to the case in Zamfara State, websites and commentaries of civil society and other INEC stakeholders. The qualitative data analysis was done using thematic analysis to assess critical themes relating to this study.

### Understanding the Candidate Selection Process in Nigeria

In Nigeria, matters relating to internal party candidate selection via party primaries are well spelt out in regulatory mechanisms such as the Nigerian Constitution, party constitutions, the Electoral Act, etc. These laws are legal instruments for guiding the conduct and regulating the behaviour of members in the affairs of parties. For instance, Article 1 of the INEC Regulations for the Conduct of Party Primaries for the nominations of candidates into various positions provides that:

A political party seeking to participate in any election organised by the commission (INEC) must conduct primaries, wherein all eligible members of the party must be given equal opportunity to participate in the primaries of the party for the purpose of selecting candidates for elective positions (INEC, 2022: 23).

Paradoxically, political parties in Nigeria do not adhere to this provision/clause of the Commission. Instead, in order to make room for their chosen or anointed candidate or candidates, political parties establish regulations and/or enforce requirements that omit this clause. "Political parties must not create rules or impose conditions or set a high expression of interest or nomination fee that could exclude aspirants on the basis of sex, religion, ethnicity, circumstance of birth, or wealth," according to Article 2 of the INEC Regulations for the Conduct of Party Primaries, which is in conflict with this anomaly.

The culture of candidate imposition through consensus is now becoming a norm in Nigeria. For example, the APC constitution (as amended in 2014) provides that all positions of the party, as well as all nominations, must be done democratically in line with the provision of its own constitution. Article 20 (ia) particularly states that:

All party posts prescribed or implied by this Constitution shall be filled by democratically conducted elections at the respective National Convention or Congress subject, where possible, to consensus, provided that where a candidate has emerged by consensus for an elective position, a vote of "yes" or "no" by ballot or voice shall be called, to ensure that it was not an imposition which could breed discontent and crisis (APC, 2015 as cited in Fortune, 2023).

This behaviour portends/foretells trouble for Nigeria's fledgling democracy, yet it is not always anti-democratic. Former APGA National Secretary Labaran Maku, who echoed this opinion (Maku, 2017, as reported in Felix, 2021), argued that the greatest challenge facing party operations in Nigeria today is candidate imposition and flagrant abuse of processes, procedures, and laws guiding candidate selection. When it comes to choosing candidates within parties in Nigeria, the unwritten rules and customs take precedence over the written ones. It is obvious that there is documentation outlining the proper procedure for choosing candidates. But party elites/godfathers disregard these guidelines. The activities of these moneybags, as they are called in Nigeria, have, in many cases, resulted in the selection of less credible candidates, intra-party squabbles, and pre-election litigations. The elites/godfathers, not the party executives, have the power in the structures of the parties assessed. In order to keep control over other party members, godfathers use money and exploit primal emotions. Particularly during party primaries, conventions, and congresses, they make party organs ineffective. Party constitutions and other existent legislation regulating

candidate selections are likewise rendered ineffectual. At one point or another, members of this group had abused their position of authority to enrich themselves.

### **A Trajectory of Intra-Party Conflicts in the All Progressive Congress (APC)**

A demonstration of the politics of power and the power of politics is the insurmountable divergence between elites (Omotoso, 2019). Agomuo (2018) claims that the governors of Imo, Kaduna, Zamfara, Ogun, Ondo, Kwara, Adamawa, and Bauchi are at odds with the party leaders. Adebayo Shittu, the minister of communication, was disqualified due to her NYSC certificate, while Aisha Alhassan, the minister of women's affairs, was disqualified due to her disloyalty. The party's power in Taraba State was weakened as a result of resignations and eventual defections to the United Democratic Party (UDP). Olaniyi (2021) argues that in Adamawa State, the APC conflict pitted incumbent Governor Mohammed Jibrilla Bindow against former Governor Murtala Hammanyero Nyako. As a result, the opposition PDP defeated the APC in Adamawa's presidential and gubernatorial elections. Speaker Rt. Hon. Yakubu Dogara, Senators Sulaiman Nazeef and Hamma Misau, and the governor of Bauchi State were at odds, and as a result, the former defected to the PDP. The APC lost the governorship in Bauchi State to the opposition PDP, notwithstanding the fact that both senators were not re-elected (Ibrahim, 2023).

The conflict in Rivers State pitted Senator Magnus Abbey against long-time allies Rt Hon. Chibuike Rotimi Amaechi in primaries and congresses. According to Izunna (2020), this is the worst intra-party crisis that the Fourth Republic has seen. The crisis resulted in multiple court cases, ultimately preventing the APC from fielding a candidate in Rivers State's 2019 general elections. The situation in Imo State pits Governor Rochas Okorocha against Senator Hope Uzodinma and Osita Izunaso, the APC's national organising secretary, in the state's congresses and primaries. The NEC backed Senator Hope Uzodinma, while the governor backed his son-in-law and chief of staff, Uche Nwosu. This crisis led to Okorocha's son-in-law decamping to AA while Izunaso went to APGA. This created serious challenges for the APC to retain the governorship seat in Imo State. The gubernatorial seat was won by the opposition, PDP candidate Rt Hon Emeka Ihedioha (but the Supreme Court judgement overturned the victory back to the APC).

According to Adebayo (2021), the state governor of Ogun State engaged in what appeared to be a conflict with the APC national leadership on the selection and backing of his preferred candidate, who subsequently defected to the APM. The nation experienced its greatest humiliation during the presidential campaign when the National Chairman and other party leaders were stoned with sachets of pure water, even though the APC candidate prevailed. In Kaduna State, Senator Shehu Sani and Hunkuyi complain bitterly about the behaviour of Governor Nasir El-Rufai regarding how the Ward, Local Government and State Congresses were flawed in Kaduna State, which the party under Odigie Oyegun National Working Committee failed to correct (Izunna, 2020).

### **All Progressive Congress (APC) and the Dilemma of the 2019 Gubernatorial Pre-Election Intra-Party Crises in Zamfara State**

In his submission, Abbas (2020) specifically argued that, despite the tense atmosphere surrounding the 2019 gubernatorial election, which began in early 2018 due to a wave of political killings and murders occurring throughout the state's villages and communities, Senator Marafa's political speeches and utterances were unmistakable signs that the crisis would be too big to be contained. He exploited every aspect of Yari's leadership shortcomings to attack him and used his government's inability to protect the people and land of Zamfara State as leverage to undermine Yari's electoral prospects there. Bachiri (2020) observed that Yari exposed the political struggle during the APC state conference in Zamfara when he tried to influence the delegates who would

virtually choose his chosen new party leaders. After the entire drama, two parallel APC State Congresses were held, with Surajo Maikatako leading the Marafa side and Lawal M. Liman leading Yari's camp. Marafa had opposed the delegate nomination technique. As a result, Yari and APC National Headquarters were unable to make amends with Senator Marafa, and the APC group in Yari proceeded to compile a list of all APC candidates for all elected offices in August. Neither Senator Marafa nor any of the other seven governorship aspirants were considered in Yari's list, a situation that triggered the emergence of a political alliance called the group of eight (G8). They formed an alliance within the same APC structure in Zamfara and vowed to frustrate any attempt by Yari to enforce the anointed list on the remaining aspirants (Bachiri 2020).

**Table 1: APC Aspirants list in the 2019 gubernatorial election**

S/N	Name of Aspirants	Status
1	Abubakar Magaji (Engr)	Retired Permanent Secretary
2	Aminu Sani Jaji	Former House of Representative member
3	Dauda Lawan	Retired Executive Director at First Bank Nigeria
4	Kabiru Garba Marafa (Senator)	Former Senator representing Zamfara Central District
5	Mahmuda Aliyu Shinkafi	Former Governor
6	Mansur Da-Ali (Retired General)	Former Minister of Defense
7	Sagir Hamida	Retired Director FCDA

**Source: Author's Compilation, 2025**

As pointed out by Hafizu (2020), tensions increased when the G8 group, led by Senator Marafa, staged a large-scale rally in Gusau, the state capital, to show off their political prowess and degree of public support. To demonstrate their political might, the candidates and their thousands of followers walked over forty km from Yankara's Zamfara entrance to Gusau Airstrip while screaming various political slogans. According to Bachiri (2020), Senator Marafa referred to former Governor Yari and his chosen political candidates when he referred to their political campaign as "operation retire them all" during the rally. During the rally, Gusau, the capital city of Zamfara State, was almost grounded; hence, an overwhelming population stood on the motorways to show political solidarity to the politicians of the "G8".

Three days later, the Yari faction proclaimed their own political movement to be "operation no nonsense" and held a counter-political rally in support of the anointed gubernatorial candidate and all the other anointed candidates under his political structure. When he remarked in his address, "I have tagged this election as 'no nonsense'; we have made no mistake in anointing Alh Mukhtar Shehu Idris because it has been a tradition that we anoint candidates at the end of our tenures," he was alluding to the group of eight. Former Governor Ahmad Sani appointed his then deputy, Alh Mahmud Aliyu Shinkafi, and we have raised no eyebrow on that (Shehu, 2019). With Yari as the state governor acting as a mediator between the APC national headquarters and the party's state structure in Zamfara state, and with multiple APC executives and too many candidates for governorship, the APC entered the primary election preparation process without making any real effort at reconciliation. According to Maryam (2020), Yari, the sitting governor, tried to ensure that an indirect primary election was held in Zamfara, but when that failed, he went back home to influence the party delegates' nomination.

According to Abbas (2020), the governor insisted on using his own list of delegates, while the other "G8" groups insisted on having an independent and neutral list that would be produced by the party's national headquarters. This was because the electoral committees led by Abubakar



Fari and Gen. Mustapha Gana failed to either reconcile the aspirants by producing consensus candidates or agree on acceptable guidelines for the conduct of the direct party primaries for the APC. Following a number of meetings and conferences at the City King Hotel and the State Commissioner of Police's office in Zamfara, the reconciliation failed, so neither group could accept the terms. Given the approaching deadline for parties to submit their candidate names to INEC, Governor Yari cancelled the meeting and announced that all APC supporters would head to their polling places to participate in the party primaries, which would be run by the state party secretariat under his faction. Lawal M. Liman, the state chairman of the APC Yari faction, presided over the committee and announced the winners, who were the same Yari candidates who had been anointed. Some party stakeholders and the national headquarters of the parties were not pleased with the action. Although Adams Oshiomhole's party's national leadership acknowledged that no primaries were held, they asserted that consensus candidates must be chosen within the allotted period (Evelyn, 2019). The Independent National Electoral Commission also disputed the assertions that Governor Yari's handling of the party primaries was lawful and compliant with the rules. Because the APC failed to hold primaries within the allotted period, the Independent National Electoral Commission (INEC) declared that it would not permit the party to run candidates in Zamfara State, as asserted by Evelyn (2019). To corroborate this position, many political observers argued that the primaries conducted by the Yari faction of the APC are not valid; hence, the law empowers only the National Working Committee to conduct primaries through the electoral committee to be assigned. As argued by Aishatu (2019), Sections 87(2), (3), (4), (5), (6), (7), (8) and (9) make elaborate provisions for procedures that must be adopted by political parties who intend to hold primaries. Failure to comply with these provisions as well as the regulations of the political parties themselves would lead to nullification of the purported primaries.

Stephen (2020) succinctly stated that this decision was the focus of conflicting court rulings after the disputing parties filed separate pre-election lawsuits. Although INEC later listed the party's candidates submitted by the National Executive Committee following the ruling of the Court of Appeal sitting in Abuja, the Court of Appeal sitting in Sokoto State, which also presided over pre-election litigation on the disputed nomination exercise, subsequently annulled the purported primary election on which the list was based. As political parties should adhere to legal principles and regulations, the latter court ruled that "the nullification of the purported nomination exercise was to serve as a bitter lesson for them." The court further emphasised that "domestic affairs of political parties must (be done) within the confines of the law in dealing with party members and elections (Oludare and Isah, 2019)."

Later, the lengthy dispute was shifted to the Supreme Court for a final ruling. The Supreme Court ruled unanimously that the party's primary elections acted *ultra vires* to the INEC guidelines and the party constitution, hence invalid, and that the votes cast for the APC in all state-wide general election contests (apart from the presidential election) were "wasted" because the party did not hold the primaries in compliance with the law and its own regulations. The court then mandated that INEC return all candidates who were deemed runners-up in the election for governor, Peoples Democratic Party candidate Bello Matawalle (Eze, 2020).

### **Pre-Election Litigations and Implications for Nigeria's Electoral Process: Beyond the Zamfara Case**

Participation, representation, competition, and responsiveness were all adversely impacted by the political fallout from Zamfara State's APC candidate selection process. Thus, it is evident that the pre-election litigation disputes in Zamfara State and the legislation pertaining to pre-



election litigation in Nigeria generally create a number of issues regarding the nation's electoral process and, inevitably, the stability and consolidation of its democracy. This study therefore captures the arguments above thus:

- i. Nigerian political parties need to improve their internal dispute resolution processes and respect for the law as well as their party constitutions. The Peoples Democratic Party's (PDP) unstoppable power show prior to, during, and following the general elections in 2023 is one example at hand;
- ii. It dispels the knowledge and false beliefs that the ruling party consistently uses its position of authority to sway court decisions, particularly when it comes to issues involving election petitions;
- iii. It informs Nigerian politicians that winning in trial court does not guarantee that electoral litigation would stop; hence, the appellate courts have the authority to overturn anything they believe to be inconsistent with the country's statutory provisions; and
- iv. It also educates Nigerian politicians that even if they are in the opposition, they still have a chance to win the entire legal and political process. Consider the 2019 Supreme Court decision that proclaimed Governor Douye Diri, the PDP candidate who finished second in the gubernatorial election, the winner of Bayelsa State and declared the victory of APC candidate David Lyon nullified on the eve of the swearing-in.

## Conclusion

This paper critically examines Nigerian party politics and the difficulties associated with pre-election litigation. In summary, the aforementioned makes it quite evident that pre-election lawsuits have negatively impacted Nigeria's electoral process. It is also clear that if political parties were permitted to settle intra-party conflicts independently or in cooperation with INEC, the election management organisation, as was previously stipulated in the Election Act, the majority of the lawsuits would have been prevented. In other words, the 1999 Constitution and Electoral Acts were violated, and the Zamfara State APC candidate selection problem was a clear rejection of internal democracy. The crisis that shook the All Progressive Congress in Zamfara State was summed up in this paper as follows: frequent disputes among the major party members, widespread political violence, the attempt to impose candidates by the outgoing governor, and the incapacity of the national party to assert its dominance. It is very evident that internal party democracy and party norms and regulations are not being respected, especially when choosing candidates for election. When internal democratic norms are broken, the electorate loses faith in the party, party structures are destroyed, and the election itself is lost, as was the case with the APC in Zamfara State.

## Recommendations

- i. To improve unity of purpose, effective communication is necessary. The oppressors shouldn't be allowed to claim any kind of victory, not even a psychological one. Abraham Lincoln told Americans many years ago that a house divided against itself could not stand. It's still very applicable now. Additionally, rather than focusing on Nigerian democracy, attention should be paid to the ideas of representative government, the rule of law, the separation of powers, and checks and balances.
- ii. Again, party discipline should be strict for members in the parties. In this regard, the leadership of the parties should be answerable to the members, and members, in turn, will be required to respect and obey the leadership;

- iii. This paper recommended strict adherence to the constitution of the party on the conduct of congresses and party primaries. Politicians must be made to understand that nobody is above the political party;
- iv. Politicians should also refrain from making rash remarks that can incite violence in the body politic. That is, politicians should play according to the universally accepted norms and values of democracy. Therefore, it is imperative that the parties teach and train their members in the art of democratic government. To do this, the Centre for Democratic and Value Education and INEC ought to be established. Additionally, colleges ought to be pushed to offer undergraduate and graduate courses on election administration and related topics;
- v. Finally, there is a need for a well-funded and independent electoral body that is capable of conducting a free and fair election. INEC should be forceful in enforcing every aspect of the electoral laws, especially the areas that pertain to candidate selection, security, party funding and regulation of campaign financing.

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