

## ROLE OF A LEGAL ADVISER TO A POLITICAL PARTY IN MEDIATION AND SETTLEMENT OF INTER-PARTY DISPUTES IN NIGERIA\*

### Abstract

*Mediation offers a valuable mechanism for resolving pre-election disputes in Nigeria. It provides a cost-effective, speedy, and relationship-preserving alternative to litigation. Despite challenges such as acceptance, neutrality, and enforceability, with increased awareness, legal reforms, and institutional support, mediation can play a significant role in maintaining the integrity and smooth functioning of Nigeria's electoral process. Political parties in Nigeria being essential vehicles for political representation are bound by law to function democratically and adhere to regulatory frameworks. A legal adviser to a political party plays a significant role and serves as the custodian of the party's legal framework, ensuring that its activities comply with the law to prevent disputes and electoral sanctions. In this article, we started with conceptual clarifications and went further to examine the role of a legal adviser to a political party in mediation and settlement of inter – party disputes. This research work will go a long way in provoking further discussions on the topic and it will help in strengthening Nigeria's democratic institution.*

**Keywords:** Legal adviser, political party, mediation, settlement, inter-party, disputes

### 1. Introduction

In disputes between different political parties, ADR methods can serve as effective tools for resolving conflicts over electoral boundaries, campaign activities, or voter intimidation. By engaging in mediation, parties can avoid drawn-out legal battles and maintain focus on their electoral goals. The legal adviser's role in this context is to negotiate settlements that protect the party's interests while ensuring legal compliance. The Constitution<sup>1</sup> 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. The writer examined in details the role of a legal adviser to a political party as it pertains to mediation and settlement of inter – party disputes in Nigeria. The understanding of the role of legal adviser in this regard will go a long way in reducing the number of inter – party disputes that go to courts in Nigeria. It will help to decongest our courts. This will go a long way in strengthening the democratic institution in Nigeria.

### 2. Clarification of Concepts

#### Alternative Dispute Resolution

Alternative Dispute Resolution (ADR) refers to a range of processes that provide parties with alternatives to litigation for resolving disputes. The primary methods of ADR include arbitration, mediation, conciliation, and negotiation. ADR is significant due to its ability to offer more flexible, cost-effective, and time-efficient resolution methods compared to traditional court proceedings. It often preserves relationships by promoting collaborative problem-solving and can provide more creative and tailored solutions that a court may not be able to offer. The evolution of ADR in Nigeria can be traced back to traditional methods of conflict resolution that predate colonial rule. Indigenous systems such as family meetings, council of elders, and community heads played significant roles in resolving disputes within their communities. During the colonial era, the introduction of British legal systems overshadowed these indigenous methods. However, the limitations of the formal judicial system, including its inaccessibility, costliness, and delays, led to a resurgence of interest in ADR. In contemporary Nigeria, ADR has gained formal recognition and acceptance, supported by various statutes and case laws. The Mediation and Arbitration Act,<sup>2</sup> is a key statute that governs arbitration and mediation in Nigeria. This Act is influenced by the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration, reflecting Nigeria's alignment with international standards.

#### Mediation

Mediation is a voluntary process where a neutral third party, the mediator, helps disputing parties to reach a mutually acceptable agreement. Unlike arbitration, the mediator does not impose a decision. Mediation is less formal and allows for more creative solutions that cater to the interests of both parties. In *Agro-Allied Development Enterprises Ltd. v United Bank for Africa Plc*,<sup>3</sup> the Court of Appeal highlighted the effectiveness of mediation and encouraged parties to utilize it before resorting to litigation. In *ACN v PDP*,<sup>4</sup> the Action Congress of Nigeria (ACN) and the People's Democratic Party (PDP) were embroiled in a dispute over the conduct of the gubernatorial

---

\*By **C. J. UBANYIONWU, PhD**, Professor of Law, Department of International Law and Jurisprudence, Faculty of Law, Chukwuemeka Odumegwu Ojukwu University, Igbaram Campus; Chairman, Nigerian Bar Association, Aguata Branch (2018 – 2020), Tel: 08036660646, Email: barcjuba@yahoo.com.

<sup>1</sup>Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>2</sup>Laws of the Federation of Nigeria 2004 (as amended).

<sup>3</sup>(2014) LPELR-22585(CA).

<sup>4</sup>(2012) 9 NWLR (Pt 1304) 273.

## **UBANYIONWU: Role of a Legal Adviser to a Political Party in Mediation and Settlement of Inter-Party Disputes in Nigeria**

---

election in Osun State. Mediation was suggested by the court as a more efficient way to resolve the dispute between the two major parties. Also, in *Agbakoba v INEC*,<sup>5</sup> that involved a dispute between political parties over the disqualification of candidates by INEC. Although it was litigated, the court advised that the parties could have explored ADR to resolve their differences quicker and more amicably. In *INEC v APC*,<sup>6</sup> a dispute arose between INEC and the All Progressives Congress (APC) over the disqualification of candidates in Zamfara State. The court advised that the dispute could have been settled through ADR, demonstrating the role ADR could play in avoiding electoral litigation.

### **Steps and Procedural Process of Mediation**

The steps are as follows:

**Initiation:** The mediation process begins when parties agree to mediate and select a mediator. This can be initiated by the parties themselves or suggested by a court or electoral body.

**Selection of Mediator:** Parties select a neutral mediator with expertise in electoral matters.

**Pre-mediation Meetings:** The mediator meets with each party separately to understand their perspectives and interests.

**Joint Mediation Sessions:** The mediator facilitates joint sessions where parties discuss their issues, explore options, and negotiate solutions.

**Agreement:** If parties reach an agreement, the mediator helps them draft a settlement agreement, which can be binding.

**Implementation:** Parties implement the terms of the settlement agreement. If necessary, the agreement can be formalized through a consent order from a court.<sup>7</sup>

### **Advantages of Mediation**

Mediation generally incurs lower costs compared to litigation, making it an accessible option for resolving disputes. Mediation can be completed in a shorter timeframe than court proceedings, which is critical during the pre-election period when timely resolutions are needed. Mediation fosters a collaborative environment where parties can communicate openly, helping to maintain and even improve relationships, which is particularly important in the politically charged context of elections.

### **Challenges**

There may be resistance to mediation from parties who are unfamiliar with the process or prefer the adversarial nature of litigation. Ensuring the neutrality of mediators is critical, especially in politically sensitive disputes where bias can undermine the process. While mediation agreements are usually respected by the parties, enforcing these agreements can sometimes be challenging without formal judicial endorsement.

### **Comparative Analysis of Mediation and other ADR Methods**

**Mediation vs. Arbitration:** While both mediation and arbitration are forms of ADR, mediation is a non-binding process focused on facilitating mutual agreement, whereas arbitration results in a binding decision imposed by the arbitrator.

**Mediation vs. Conciliation:** Conciliation is similar to mediation, but the conciliator often plays a more active role in proposing solutions. Mediation focuses more on facilitating communication and negotiation between the parties.

**Mediation vs. Negotiation:** Negotiation involves direct discussions between parties without the involvement of a third party. Mediation, on the other hand, involves a neutral mediator who helps facilitate the process.<sup>8</sup>

### **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 matters pertaining to mediation and settlement of inter-party disputes. This role extends to representing the party in court, and handling issues related to party registration, electoral 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<sup>9</sup> 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

---

<sup>5</sup> (2008) 18 NWLR (Pt 1119) 489.

<sup>6</sup> (2020) 13 NWLR (Pt 1743) 69.

<sup>7</sup> See *Mediation Handbook for Nigeria* by the Institute of Chartered Mediators and Conciliators (ICMC).

<sup>8</sup> A Yusuf, 'Alternative Dispute Resolution in Nigeria' available on Nigerian Law Review.

<sup>9</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended).

constitutional provisions. 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*,<sup>10</sup> 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*,<sup>11</sup> 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*,<sup>12</sup> which involved the internal party democracy of the Nigerian Peoples Party (NPP), 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*,<sup>13</sup> 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.

### **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 governmental powers. 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 a critical role 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 dealings are regulated by INEC to ensure fairness and transparency. Section 221<sup>14</sup> 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<sup>15</sup> outlines the requirements for the registration of political parties, such as having a constitution, registered office, and being accessible to the public. Section 84<sup>16</sup> 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<sup>17</sup> provides for the regulation of political parties by INEC, including financial transparency and submission of reports on their activities. In *INEC v Musa*,<sup>18</sup> 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*,<sup>19</sup> the 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*,<sup>20</sup> 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.

---

<sup>10</sup> (2014) 17 NWLR (Pt. 1437) 525

<sup>11</sup> (2022) LPELR-56945(SC).

<sup>12</sup> (1983) 2 SCNLR 244.

<sup>13</sup> (2007) 12 NWLR (Pt. 1048) 367.

<sup>14</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>15</sup> *Ibid.*

<sup>16</sup> Electoral Act 2022.

<sup>17</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>18</sup> (2003) 3 NWLR (Pt. 806) 72.

<sup>19</sup> (2014) 17 NWLR (Pt. 1437) 525.

<sup>20</sup> (2020) LPELR-49677(SC).

## **UBANYIONWU: Role of a Legal Adviser to a Political Party in Mediation and Settlement of Inter-Party Disputes in Nigeria**

In *Onuoha v Okafor & Anor*,<sup>21</sup> a member of the Nigerian Peoples Party (NPP) challenged the party's nomination process, alleging that it violated the party's Constitution. The court ruled that political parties must comply with their internal rules and democratic norms to ensure fairness and transparency in their operations. This case further supports the notion that political parties are bound by their own constitutions, and the judiciary has the power to review internal processes when there is a breach of fairness.

### **3. Roles 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:

#### **Advisory Role**

This 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<sup>22</sup> 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*,<sup>23</sup> 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 ruled 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*,<sup>24</sup> 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.

#### **Ensuring Compliance**

This 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 candidate's selection, campaign financing and internal party governance. Sections 82 and 84<sup>25</sup> 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*,<sup>26</sup> 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*,<sup>27</sup> 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.

#### **Dispute Resolution**

Under this, 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<sup>28</sup> 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*,<sup>29</sup> 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.

---

<sup>21</sup> *Supra*.

<sup>22</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>23</sup> (2014) 17 NWLR (Pt. 1437) 525.

<sup>24</sup> (2020) LPELR-49685(SC).

<sup>25</sup> Electoral Act 2022.

<sup>26</sup> (2007) 12 NWLR (Pt. 1047) 220.

<sup>27</sup> (2022) LPELR-56945(SC).

<sup>28</sup> Electoral Act 2022.

<sup>29</sup> (2017) LPELR-41805(SC).

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*,<sup>30</sup> 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.

### **Strategic Role**

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 campaigns. Section 221<sup>31</sup> 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*,<sup>32</sup> following the death of the APC gubernatorial candidate in Kogi State, legal advisers played a key role 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*,<sup>33</sup> 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 above demonstrate that legal advisers play a multifaceted role in the life of a political party, ensuring compliance with laws, resolving disputes, providing strategic advice, and ensuring that the party remains within the bounds of the law during electoral processes.

### **4. Settlement of Disputes in Nigeria**

Settlement of disputes in Nigeria refers to the resolution of conflicts or disagreements between parties through legal or alternative mechanisms. It encompasses formal judicial proceedings in courts or tribunals, as well as alternative dispute resolution (ADR) mechanisms like negotiation, mediation, arbitration, and conciliation. The aim of dispute settlement is to provide a legally recognized solution that is fair, just, and acceptable to the disputing parties. The Nigerian legal system provides multiple avenues for dispute resolution, including litigation in various courts and the adoption of ADR mechanisms. The Constitution of Nigeria, statutory provisions, and case law provide the framework for resolving disputes, ensuring justice and fostering harmony in civil, criminal, electoral, and commercial matters. Section 6<sup>34</sup> vests judicial powers in the courts for the adjudication of disputes. It provides the legal foundation for courts to resolve disputes between individuals, organizations, and government entities. The Electoral Act 2022 outlines the procedures for resolving electoral disputes through election tribunals and courts, including the process for adjudicating disputes arising from the conduct of elections. In *Araka v Ejeagwu*,<sup>35</sup> the Supreme Court of Nigeria addressed the principle of amicable settlement of disputes. The court held that while parties have the right to access courts for adjudication, they are encouraged to explore amicable settlement mechanisms like negotiation and mediation to resolve disputes without resorting to litigation.

### **Inter-Party Disputes in Nigeria**

Inter-party disputes in Nigeria refer to disagreements or conflicts that arise between different political parties, particularly in relation to electoral processes, alliances, mergers, campaign strategies, or other aspects of political competition. These disputes can involve issues such as allegations of election rigging, unlawful conduct by political parties, non-compliance with electoral regulations, or disagreements over pre-election agreements. The resolution of such disputes often falls under the jurisdiction of election tribunals or courts, depending on the nature of the dispute. Section 221<sup>36</sup> recognizes the role of political parties in Nigeria, giving them the exclusive power to sponsor candidates in elections. Conflicts between parties over this power or other electoral matters are often brought before the courts. Section 84(14)<sup>37</sup> allows aspirants in party primaries to challenge the process in court, but it also highlights situations where parties might disagree or cause disputes in pre-election matters. Section 84<sup>38</sup>

<sup>30</sup>(2008) 34 NSCQR 351.

<sup>31</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>32</sup> (2016) 18 NWLR (Pt. 1543) 61.

<sup>33</sup> (2008) 19 NWLR (Pt. 1120) 246.

<sup>34</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>35</sup> (2000) 12 NWLR (Pt 682) 684.

<sup>36</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>37</sup> Electoral Act 2022.

<sup>38</sup> *Ibid.*

## **UBANYIONWU: Role of a Legal Adviser to a Political Party in Mediation and Settlement of Inter-Party Disputes in Nigeria**

governs the nomination of candidates by political parties and regulates party primaries. Section 285<sup>39</sup> provides the Election Petition Tribunals and other courts with the jurisdiction to hear and determine matters arising from electoral disputes, including inter-party conflicts.

### **Inter-Party Disputes through the Cases**

#### ***A.P.C. v Peoples Democratic Party (PDP) & Ors***<sup>40</sup>

In this case, the All Progressives Congress (APC) challenged the victory of the Peoples Democratic Party (PDP) in an election, citing alleged non-compliance with the Electoral Act. The Supreme Court, in dismissing the case, emphasized that political party must adhere to the rules governing elections and nominations. This case highlights the types of conflicts that arise between political parties during the electoral process. The APC brought a petition alleging that PDP's victory in a gubernatorial election was tainted with irregularities and that PDP's candidate was not properly nominated in accordance with the law. The court dismissed the case, finding that the alleged irregularities did not substantially affect the outcome of the election.

#### ***All Nigeria Peoples Party (ANPP) v A.G. Federation***<sup>41</sup>

This case involved a dispute between ANPP and the federal government regarding the conduct of general elections. The case arose from the opposition's claim that the ruling party manipulated the electoral process to its advantage, leading to an unfair election. The court examined the legality of various actions taken by the ruling party and government agencies. ANPP alleged that the federal government, through its agencies, influenced the outcome of the 2003 elections by unlawfully utilizing state resources and intimidating opposition parties. The court, while not overturning the election results, ruled that the electoral process must be free and fair, and any unlawful interference could lead to legal consequences.

#### ***PDP v INEC & APC***<sup>42</sup>

This case was centered on a pre-election dispute between PDP and APC, where PDP alleged that APC's candidate for the governorship election was not validly nominated. The Court of Appeal ruled in favor of the APC, highlighting the importance of compliance with party nomination processes and the courts' role in resolving such inter-party disputes. PDP argued that the APC did not conduct its primary election in accordance with the Electoral Act and its constitution. The PDP contended that APC's candidate was not validly nominated. The Court of Appeal, however, found that there was substantial compliance with the law and that the nomination process was valid.

#### ***Labour Party v APC & Ors***<sup>43</sup>

In this case, the Labour Party challenged the results of the 2023 presidential election, alleging massive rigging and non-compliance with the Electoral Act by the APC. The Court of Appeal dismissed the Labour Party's claims, stating that the allegations lacked substantial evidence to prove that the election outcome was affected by any irregularities. The Labour Party, along with its presidential candidate, filed a petition challenging the APC's win in the 2023 election. They alleged that the Independent National Electoral Commission (INEC) and APC engaged in electoral malpractices. The court held that the Labour Party failed to provide sufficient evidence to substantiate their claims of widespread irregularities.

#### ***All Progressive Grand Alliance (APGA) v Independent National Electoral Commission (INEC)***<sup>44</sup>

This case arose when APGA alleged that INEC had failed to properly supervise the conduct of elections, leading to disputes between multiple political parties. The Supreme Court ruled that while INEC had a duty to oversee elections, political parties must also act in accordance with the law to avoid disputes. APGA, in its petition, argued that the failure of INEC to properly regulate the election allowed for manipulation by the ruling party. The court ruled that while INEC's oversight is critical, the actions of political parties in adherence to the rules play an equally important role in avoiding disputes.

## **5. Mediation in Resolving Pre-election Disputes in Nigeria**

Mediation is a voluntary, confidential process in which a neutral third party, the mediator, helps disputing parties to communicate and negotiate to reach a mutually acceptable solution. In the context of pre-election disputes in Nigeria, mediation plays a critical role in addressing conflicts that arise during the electoral process, such as disputes over candidate selection, party primaries, and campaign conduct. Mediation is typically less expensive

---

<sup>39</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>40</sup> (2021) LPELR-55186(SC).

<sup>41</sup> (2003) 18 NWLR (Pt. 851) 182.

<sup>42</sup> (2019) LPELR-49259(CA).

<sup>43</sup> (2023) LPELR-60317(CA).

<sup>44</sup> (2013) LPELR-22868(SC).

than court litigation and can resolve disputes more quickly, which is crucial in the time-sensitive pre-election period. Mediation fosters collaborative problem-solving, helping to preserve relationships between political parties and candidates. In 2015 general elections in Nigeria mediation was used to resolve disputes within the All Progressives Congress (APC) regarding candidate selection. The successful mediation prevented a potential split within the party and ensured a united front during the elections. Also in 2019 gubernatorial elections in Lagos State, mediation helped to resolve internal conflicts within the People's Democratic Party (PDP) regarding the selection of a gubernatorial candidate. This mediation process helped to prevent prolonged litigation and enabled the party to focus on the electioneering campaign. Several statutes<sup>45</sup> and regulations provide the legal basis for mediation in Nigeria, particularly in the context of electoral disputes. Mediation and Arbitration Act encourages the settlement of disputes through mediation and arbitration. The Electoral Act 2022 contains provisions that encourage the use of Alternative Dispute Resolution (ADR) mechanisms, including mediation, to resolve electoral disputes. Section 6(6) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) supports the use of ADR methods, including mediation, in the resolution of disputes. In *Okorocho v PDP*,<sup>46</sup> the case emphasized the importance of ADR in resolving internal party disputes. Also in *Uche Nwosu v PDP & Ors*,<sup>47</sup> the court recognized the role of mediation in settling disputes related to party primaries.

## **6. Conclusion**

Enhanced awareness and training on the benefits and processes of mediation can lead to its wider acceptance and use. Reforms to strengthen the legal framework supporting mediation can make it a more attractive option for resolving pre-election disputes. Increased support from electoral bodies, political parties, and the judiciary can promote mediation as a preferred method for dispute resolution. Providing training for legal professionals and electoral officials on mediation procedures is essential. Advocate for amendments to existing laws to make mediation more accessible and enforceable is needed. Institutions like INEC should formally endorse mediation as a preferred method for resolving pre-election disputes. The role of a legal adviser is critical in our democratic journey when it comes to mediation and settlement of intra – party disputes.

---

<sup>45</sup> Mediation and Arbitration Act, Electoral Act 2022 and the Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>46</sup> (2013) 7 NWLR (Pt 1353) 247.

<sup>47</sup> (2019) 5 NWLR (Pt 1650) 253.