

**INCESSANT CROSS – CARPETING IN NIGERIAN POLITICS UNDER THE  
FOURTH REPUBLIC AND ITS IMPLICATIONS ON THE DEVELOPMENT OF  
THE NACCESSANT DEMOCRACY**

**Abstract**

In the world over, democratic governance is often synonymous with political party systems. Therefore, to operate a democratic system without a political party is unthinkable. Party activities are subject to the provisions of the constitution, the party's bye-law and party-ideology. In advanced countries of the world, political party connects the government and the electorates while party ideology in form of manifestoes were used to win the interests of the electorates. Also in advanced politics, ideological conflict remains the main reason for party defection which rarely occurs. The object of this work is to confirm that incessant cross-carpeting in Nigeria politics stood as a clog to the development of democracy in Nigeria. The paper employed doctrinal methodology and relied on primary and secondary sources of information such as the pronouncements of courts, judicial precedents, law report, relevant provisions of the constitutions and other relevant materials. It is discovered that faulty Constitution, large scale corruption, lack of internal democracy, ideological deficiency among other variables gave loopholes for incessant party switching in Nigeria. In view of these, the work concluded that party switching is an ill-wind that blows no good to the development of the naccessant democracy as in Nigeria and so made the following recommendations among others, enactment of autochthonous constitution emanating from the people is paramount, good party leadership to enhance party internal democracy, enactment of well cut out party by-law thoroughly supervised by the joint efforts of Independent Electoral Commission (INEC) and party leadership to control corruption and enactment of clear cut party ideology. These, we believe, would enhance the advancement of democracy in Nigeria and control incessant defection.

**1. Introduction**

It may not be an over statement to aver that there is significant relationship between freedom of association and democracy. This is because, democracy breaths freedom of association which invariably gives rise to formation of political parties. Under this platform, human beings interested in politics align themselves in one party or another and showcase their ideology and control political power if they win election.

Freedom of association is associated with the democratic governance and the human rights provisions as entrenched in the constitution. But associations within any polity are virtually controlled by the constitution to give them soft landing and also operate within the confines of law and political parties as branch of association are not exception to it. In today's world order, democratic governance as a resume of associations has toed a popular acceptance such that military rule is now an aberration and almost forbidden.

However, both in the recent past and currently, the democratic practice in Nigeria especially under the Fourth Republic is ridden with a lot of defections among the party members, stemming from the Senate, the House of Representatives, the State House of Assembly, State Executives to Councillors. They incessantly dump the party of origin to another party with most times thrival reasons, just to actualize their selfish interests. The attitude of the Nigeria politicians towards cross-carpeting or rather party switching is becoming a re-occurrent decimal and worrisome and deepens as year goes by with its imminent dangers drawing closer.

The politics in Nigeria are known for their weak formation, ideological deficiencies and are controlled by few political stalwarts deep-necked in trade by bater to satisfy their personal gratifications. The political stakeholders and the godfathers who are the king makers portray attitude of oligarchy but more or less claim to represent regional, ethnic and religious groups. Although party defection is not new in Nigeria nor peculiar to her, the question is, can Nigeria survive incessant decamping like the advanced countries of the world, having lost of thirty-nine (39) years out of her sixty (60) years of independence to the military without having another ugly experience in her democracy? Would it not have been better and quicker, to curtail these excesses through an enabling law to save the nascent democracy from another crash? In view of this, the object of this paper is to look at incessant cross-carpeting in Nigeria politics and its implications on the development of democracy under the Fourth Republic.

## 2. Conceptual Framework

### 2.1 Cross-carpeting

The term political cross-carpeting is invested with so many nomenclatures too numerous to mention. It is used interchangeably with party-defection, party-switching, floor-crossing, party-hopping, canoe-jumping, party-decamping and others.

Malthora, Mbah and Fashagba used the term political defection in place of cross-carpeting. They defined political defection as a situation in which a legislator switched from his original party to run either under another party or as independent candidate.<sup>1</sup>

The concept of defection appears to have been derived as the dictionary meaning suggest, from the Latin word *defectio*, indicating an act of abandonment of a person or a cause by reason of allegiance or duty or to which he has willingly attached himself. Similarly, it indicates revolt, dissent and rebellion by a person or party. Defection thus connotes the process of abandoning a cause or withdrawing from it or from a party or programme. It has thus on one hand, of giving up one and on the other hand, an element of joining another. When the process is completed by reason of a person defecting from a cause or party or a programme, he is termed a defector.<sup>2</sup>

Defection is thus a process by which a person abandons or withdraws his allegiance or duty.<sup>3</sup> As reiterated earlier, defection is synonymous with party switching which is also described as dumping or deserting a political party of sponsor by the member or members for another political party.<sup>4</sup> Put in another word, party switching describes the circumstances whereby

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Mrs A.C. Akpunonu, Ph.D, Lecturer, Department of Private and Public Law, Faculty of Law,  
Chukwuemeka Odumegwu Ojukwu University, Igbariam Campus, Anambra State  
[annakpunonu1960@gmail.com](mailto:annakpunonu1960@gmail.com)

<sup>1</sup> Malthora, Mbah, Fashagba in Olu Awofeso and Paul A Irabor, 'Party Cross-Carpeting in Nigeria's Fourth Republic' <[2016] <<https://www.research-gatenet/publication/307951823>> accessed 17th May 2020.

<sup>2</sup> Mike Opeyemi Omilus, 'the Nuances and Nuisances of Party Defection in Nigeria's Fourth Republic' [2015] <[www.multidisciplinaryjournals.com](http://www.multidisciplinaryjournals.com)> accessed 3<sup>rd</sup> June, 2020.

<sup>3</sup> Ibid

<sup>4</sup> BT Badejo, SC Agunyai, and SO Buraimo, 'The Politics of Defection and Power Game in Nigeria: Insight From 7<sup>th</sup> Lower Legislative Chambers' [2016] <[www.jist.org](http://www.jist.org)> accessed 3<sup>rd</sup> June, 2020.

members (politicians and legislatures) of a political party willingly leave their party for another whether for just or unjust reasons.<sup>5</sup>

Cross-carpeting or defection is also a situation where a member of a legislature who had been elected on a certain party platform changed his political allegiance before a next general election.<sup>6</sup> In this regard, political party defectors are usually regarded as political prostitutes without political principle, morality, conscience and lacking in political ideology to champion the cause of leadership for the well being of the society and political development of the country.<sup>7</sup> Most often, party cross-carpeting particularly in the developing countries is done in disregard of the rule of Law but for personal gains and most times this brings disregard to the party of sponsor.

In any case, defection is recognized to occur in two ways, first there may be massive movement of politicians from different political parties into the ruling party towards the time of general election to participate in the party primaries of the ruling party.<sup>8</sup> The second arm of defection is movement of politicians after the primaries especially by those who lost in the new party back to their old parties or to entirely new ones or form a new party of their choice under which they intend to contest the incoming election.<sup>9</sup>

The third category now emerging are those from their respective parties where they may have contested and lost or may not have contested at all decamped to the winning party either at national, state or local government levels.<sup>10</sup> For example, the 2013 Kogi Local Government Election in Kogi State and defection thereafter borrowed a leaf from the latter. Such that nearly in all the 21 Local Government Areas in Kogi State, politicians who felt cheated and shortchanged in the conduct of the selection process called primary election decamped to the ruling party and joined an alternative party.<sup>11</sup> Some of the chairmanship, contestants and others were affected.

Asinugo observes that series of high profile defection in the eve of 2015 general election is not only pathetic but makes a mockery of the nations democratic evolution, as well as degrade and humiliate political class in the eyes of a civilized society.<sup>12</sup>

Robbinson argues that defection is not a 'crime' in Nigeria politics because there is nothing ideologically different in the manifestoes of all the parties in Nigeria.<sup>13</sup> He states that:

The word cross-carpeting in politics can only be relevant in a situation where parties have ideologies and manifestoes. Every one joins party where his interest can be better served. Why should one continue to remain in a party that does not have his interest at heart? Political parties in Nigeria are not driven by any ideology other than making money. They all claim to be

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<sup>5</sup> Ibid

<sup>6</sup> Paul Irabor and Olu Awofeso (n1) 34

<sup>7</sup> Ibid

<sup>8</sup> OS Opadere and JO Agbana, 'Cross-carpeting in Nigeria Politics: Some Legal and Moral Issues Generated' [n a] <<http://www.cscandamidex.phrfir/article/view/103968170Ildoi>> accessed 30<sup>th</sup> July, 2017.

<sup>9</sup> Ibid. This is also the observation of B Micheal Aleyomi in his work 'Election and Politics of Party Defection in Nigeria: A Clue From Kogi State' <<http://www.researchgatenet/publication/305991827>> accessed 14<sup>th</sup> June, 2020.

<sup>10</sup> Ibid

<sup>11</sup> Ibid

<sup>12</sup> Asinugo in Agudiegwu, Moses Ogbonna and Ezeani Emefiena, 'Party Defections and Survival of Democracy in Nigeria' [2015] International Journal of Humanities and Social Sciences (IJHSS), accessed 5<sup>th</sup> June, 2020

<sup>13</sup> Ibid.

democratic just to deceive the public... It is obvious that one cannot play honest party politics in Nigeria unless he is ready to discard some principles that may not go well with his party. Unfortunately, there are some principles one cannot part with even after becoming a member of a political party. One may have decided not to lie or be involved in rigging election. How can one accept that because he decided to be involved in partisan politics he must descend to the lowest social, educational and intellectual level to be relevant?<sup>14</sup>

Defection is not unexpected in developing country like Nigeria where ideology is manifestly lacking, but what we see often, particularly in the then ruling party 'People Democratic Party' (PDP) was a swollen membership from all parts of the country without ideology but self aggrandizement. So it was easy for any member to cross-floor to any party. Since this is the case, the political prostitutes in Nigeria readily explore the defect by cross-flooding anytime they wish to.

## 2.2 Democracy

Democracy is derived from a combination of two Greek words 'demos meaning people and Kratia meaning rule or government.<sup>15</sup> Democracy could also be regarded as a governmental system that involves the widest spectrum of participation, either through election or through the administration of the accepted policies.<sup>16</sup> Nnoli sees democracy as a system of government involving freedom of individuals political life, equality of citizens before the law, social justice in the relations between the people and government as well as free choice of individual in deciding political leaders.<sup>17</sup>

Democracy in the world over is of global concern and in this regard many authors defined it from many dimensions Despite the many definitions, it conveys a central meaning, which is 'government of the people for the people'. This is in line with the definition of Abriahim Lincoln which, for all intents and purposes took a front line and acceptance. Lincon rightly defined democracy as government of the people, by the people, for the people.<sup>18</sup>

Democracy could be classified in this context under direct and indirect democracy. Direct, democracy could be said to be the early form of democracy and emanated from a small Greek city states. It involves all adult citizens directly participating in government by gathering in an assembly of the people to take part in the decision-making process to govern them.<sup>19</sup>

Indirect or representative democracy is a government where all the persons of voting age are expected to vote to form the government who will represent and act on their behalf, especially in the executive and legislative arm of government.<sup>20</sup> The elected persons are

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<sup>14</sup> Ibid.

<sup>15</sup> MA Appadara, *The Substance of Politics* (10<sup>th</sup> edn. New York: Oxford University Press 1975) 137.

<sup>16</sup> M. Moses Adagbabiri, 'Challenges of Democracy in Nigeria's Fourth Republic' [2015] *Public Policy and Administration* <[www.iiste.org.ssu224-573](http://www.iiste.org.ssu224-573)> accessed 25 October, 2019.

<sup>17</sup> Nnoli in Lawrence I Edet 'Politics of Defection and its Implications on Nigerian Democracy' [2017] <<http://creativecommons.org/licenses/by-nc/3.0>> accessed 3<sup>rd</sup> June, 2020.

<sup>18</sup> See ESE Malami, *The Nigerian Constitutional Law* (Lagos: Princeton Publishing Company, 2009) 111

<sup>19</sup> Ibid, 39

<sup>20</sup> Ibid

expected to generally manage the affairs of government for the welfare of the people.<sup>21</sup> Indirect, or representative democracy is a means through which people in a democracy exercise their sovereignty by the choice they freely make of those who are to represent them in the exercise of governmental powers,<sup>22</sup>

In *Wesbery v Sanders*,<sup>23</sup> the Supreme Court of the United States held that the phrase representative by the people of the United States in Article I s. (1) of the United States Constitution, means that as nearly as practicable are man's vote in a congressional election is to be worth as much as another ...

Representative democracy is the commonest type of democracy in the contemporary world order. Albeit, democracy can only function efficiently and effectively with enhanced political parties and members of political parties can on the other hand, retard democratic process through anti-party behaviour like incessant defection. Again democratic success is measured by the extent to which people have unrestrained access to participation in the party process.<sup>24</sup>

It follows therefore, that for people to have unrestrained access to participating in the political process, the democratic representation itself must be accompanied by transparency, accountability and rule of law. So any democracy devoid of these basic ingredients is not a democracy. Sadly, Nigeria in her sixtieth independence is far from these: no wonder Moses M. Adagaribiri quoting St. Augustine's definition averred that the government of Nigeria ever had could qualify as 'Mafia Government'.<sup>25</sup> The word in this context implies 'government infested with power drunken, self seeking, ideology-barren, orientation less, usually selected by their kind and of course scarcely ever selected by the people'.<sup>26</sup>

It follows that even in the event of acclaimed multiparty system, most often, political aspirants are predetermined and selected before election instead of being subjected to vote to attract the mandate of the people as we find in advanced countries of the world. The end result is a system crippled with lack of equity, fairness, transparency, accountability and rule of law. To this event, the once peaceful states like Anambra, Yobe, Plateau and the likes are in unending violence clearly caused by corruption, bad leadership and religious intolerance among other factors. The insurgency in the North-East of Nigeria caused mainly by bad leadership is becoming a perpetual problem and this has not only gulfed lives and properties of the people in that area but has affected both the stability of Nigeria as a country and the consolidation of the democratic governance.

### 2.3 Politics

The Oxford Advance Learner's Dictionary describes politics as the activities involved in getting and using power in public life and being able to influence decisions that affect a country or a society.<sup>27</sup> The term politics is slightly different in forms. Consequent upon this we have politics of integration, ethnics integration, power politics, ethnic politics, politics of

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<sup>21</sup> See ESE Malani, *The Nigerian Constitutional Law (n 18) and Obi S Ogene, Fashioning the Constitution of a Federal Democratic System, Comparative Analyses of Nigeria, Australia, Canada and USA Representative System* (Enugu: CIDJAP Press 2001) 53.

<sup>22</sup> Ibid.

<sup>23</sup> (1964) 376 US 1.

<sup>24</sup> Unah in Lawrence Edet (n 17).

<sup>25</sup> Moses M. Adagbabiri (n 16).

<sup>26</sup> Ibid.

<sup>27</sup> A.S. Hornby (ed) *Oxford Advanced Learner's Dictionary of Current English* (9<sup>th</sup> edn. Oxford University Press 2018) 1187.

oil and other.<sup>28</sup> In any case, we are more interested in power politics. On this note Maxist contends that politics is conflict between antagonists classes in the society.<sup>29</sup> In essence, politics connotes class of struggle and the state is an oppressive instrument in the hands of the ruling class.<sup>30</sup>

Politics is a struggle of contending ideological viewpoints on the allocation and distribution of resources.<sup>31</sup> On the other hand, party politics are:

activities of formal structure, institution or organization which compete through the government, and with the objective of allocating the scarce resources in a state through an institutionalized means or procedure.<sup>32</sup>

In a democratic dispensation, political parties are the instrument through which the political power and influence on the polity are achieved. Political party is thus the major institution for organizing a democratic government.<sup>33</sup> Furthermore, Herbert Simon asserts that a political party is a social group with a system of independent activities characterized by a high degree of rational direction of behaviour towards end that are objects of common acknowledge and expectation.<sup>34</sup>

The above definitions of a political party by renowned scholars portend action towards a common principle otherwise called ideology to achieve the end which is, winning election to control 'political powers'. Ideology is therefore the energizer that spurs a political party to action towards achieving a predetermined goal or programme for common good.

Ideology modifies a political party towards a rational behaviour. It distinguishes a political party from the other. If these ingredients or basics are common factors of any political party, or rather, applicable to them thereto, then incessant defection by members and elected members in Nigeria are antagonistic to them.

The recent scramble for power and crave for control of the government between the then ruling party (PDP) and the then opposition party (APC) in 2015 in particular which resulted in unprecedented massive defections back and front mainly among two parties neither portrays attitude of rational behaviour as portends by Herbet Simon nor iota of ideology, rather, it showed a more or less selfish pursuit for gains. Badejo, Agunyai and Buraimo interpreted the scramble and crave to mean 'politics'.<sup>35</sup> This is unacceptable, we rather call it irrational defection based on selfish gains and ideological deficiency. The incessant canoe-jumping displayed in the 2015 general election between (PDP) and (APC) among the elected and unelected members is against the rule of law and democratic consolidation of the necessant democracy in Nigeria so long as it did not carry with it common good or interests.

In advanced democracies such as in the USA, Britain, Germany, Australia and others, political parties are known to exist on sustained ideological base, not just a platform for

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<sup>28</sup> B T Badejo, SC Agunyai, SO Burauno, (n 4)

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Onyinyechukwu N. Chukwujekwu, Ezeabasili, and Ifeoma Ethel, '*Party Politics and Internal Democracy in Nigeria: Peoples Democratic Party (PDP) in Anambra State*', [2000 – 2006], [2019] <[www.wiri.org](http://www.wiri.org)> accessed 14 May, 2020.

<sup>33</sup> Paul Irabor and Olu Awofeso, (n 1)

<sup>34</sup> Ibid

<sup>35</sup> See BT Badejo, SC Agunyai and SO Buraimo (n 4), particularly at page 7.

ascending to political powers.<sup>36</sup> Under this context, ideology is a system that justifies a chosen political order for the society.<sup>37</sup>

Political parties are the basic machinery linking the electorates and politicians in the present day democracies, while the committed and stable party activities create the required environment for the voters to cast their ballots appropriately. Political parties connect the government and the citizens. So any disconnection from the political party often results to a disconnected democracy as we can find in Nigeria today. Nigerian Democracy is still in a natural state exhibiting sorrow, solitary, brutish and nasty because there is a disharmony between the political parties elites in Nigeria and the electorates. The incessant brutal murder or rather, extra-judicial killings by the Nigerian police otherwise called Special Anti-Robbery Squad (SARS), the genocide committed by the Nigerian army in a broad day light on the innocent protesters to end SARS and enhance good governance on the 20<sup>th</sup> October 2020 and others speak for themselves of the evidence of undeveloped democracy in Nigeria.

#### 2.4 Development

The United Nations Declaration on the Right to Development 1986, defines development as: a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development of benefits resulting therefrom...<sup>38</sup>

In his address to the Committee of Experts preparing the Draft of African Charter in November 1979, President Senghor of Senegal noted that:

Development is first and foremost a change of quality of life and not only an economic growth required at all cost, in particular in the blind repression of individuals and peoples. It is the full development of every person in the society.<sup>39</sup>

Development is a fundamental objective of international economic law and as such, it is of concern and an aspiration for all nations and at all times.<sup>40</sup> Asher argued that though development can be studied as though it were distinct from other human process, in the final analysis, its goals are goals of existence itself, mainly, to provide an opportunity for man to live fully human life: and that definition of development in terms of industrialization, urbanization, modernization, growth, maximization or even of optimization are misconceived.<sup>41</sup>

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<sup>36</sup> Lawrence I Edet (n 17).

<sup>37</sup> Ibid.

<sup>38</sup> USF Nnabue and IR Elvis Imo 'Reconciling Economic Growth and Development with Environmental Protection in Nigeria' in *Nigerian Journal of Legal Studies* [2010/2011] (ix) Imo State University, Owerri, Nigeria 139.

<sup>39</sup> President Senghor in M.O. Unegbu 'Democratization and Development in Nigeria' in USF Nnabue (ed) *The matics on the Law of Development* (Owerri: Applause Multi-sector, 2017) 167.

<sup>40</sup> USF Nnabue, 'Rethinking the Law of Development as a Panacea for the Attainment of the Purposive Nature of Law' in USF Nnabue (ed). *The matics on the Law of Development* (Owerri: Applause Multi-Sector, 2017) 4

<sup>41</sup> R E Asher in ME Nwocha 'Powering Economic Development through Human Rights' in USF Nnabue (ed) *The matics on Law of Development* (n 40) 408.

Uba Nnabue is of the view that the concept of sustainable development seeks to harmonize the global economic needs with environmental protection. It places environment in the front burner, so that environmental considerations would shape economic and political trends.<sup>42</sup>

The World Commission on Environment and Development (WCED) report of 1987, the Brundtland Report, titled *Our Common Future*, enunciated the concept of a new path to sustainable development which they believe will sustain human process globally into the distance future and these are namely.

- i. A political system that secures effective citizen participation in decision making.
- ii. An economic system that is able to generate surplus and technical knowledge, on a self-reliant and sustained basis.
- iii. Social system that provides for solution for the tensions arising from disharmonious development.
- iv. A production system that respects the obligation to preserve the ecological base for development.
- v. A technological system that can search continuously for new solutions;
- vi. An international system that fosters sustainable patterns of trade and finance and
- vii. An administrative system that is flexible and has the capacity for self-correction.<sup>43</sup>

The above points as enumerated by a renowned scholar, USF Nnabue took a wholistic view of development. However, the focus of this work is on political development and it may not be an over statement to aver that political development is the base of every other development as mentioned above. This is because economic, health, technological and other multi-dimensional developments can only be realized through the emergence of a good leadership in a free and fair election bringing in turn good governance. Good leadership suppresses corruption which is the bane of Nigeria development and allows every other development as need be to key in.

Political development as the hub of every other development should be sustained by making sure that opportunities are given to all and sundry who are viable to actively participate in the process and thereafter gain according to one's need. Development is a common phenomenon and targeted for the good of all at the final analysis through a good political system. A scenario of the end justifies the means and the winner takes all attitude implicitly found in developing country like Nigeria especially among the political elites cannot sustain any development, more so political development.

### **Features Common to Democracy and Development**

Democracy and development complement each other in a democratic dispensation. Accordingly, they share the following features in common:

- a) Each of them is a continuing process towards an ideal situation.
- b) Each of them is internationally recognized as a human right.
- c) The ultimate objective of each of them is the welfare of the people.
- d) Each of them places a duty on the government to regulate and or oversee the processes of implementation to ensure its success.
- e) The participation of individual groups and the government is crucial to the success of both processes.
- f) The same factors may work against the process of both processes.<sup>44</sup>

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<sup>42</sup> USF Nnabue and IR Elvis Imo, *'Reconciling with Economic Growth and Development with Environmental Protection in Nigeria'* (n 35) 138 – 139.

<sup>43</sup> *Ibid*, 138



MO Unegbu insists that democracy is the best and the most popular form of government worldwide. More than any other system, it waters the ground for development to thrive. Being a system that allows the majority directly or indirectly the control of their destiny and while simultaneously accommodating the minorities, it naturally instigate the cooperative attitude of the people towards developmental issues.<sup>45</sup>

Though we align ourselves to the above views, however, it must be appreciated that a sustainable democratic development can be achieved or it can reach its optimum in a democratic system where the politicians play the game of politics according to the rule so as to allow political system to be in harmony with democracy to boost the development. Therefore a political system that is in disarray as in Nigerian polity cannot boast of achieving a sustainable democratic development and features as outlined by MO Unegbu being a system ridden with incessant defections, insecurity, political crises, lack of focus by the leadership, lack of accountability, transparency, gender discrimination, rule of law, corruption and others, mostly perpetuated by the political class.

## 2.5 Distinction between Merger and Cross-Carpeting

The term merger is often synonymous with business co-operation, especially in reference to corporate personalities, though not restricted to it. In this regard, merger can be defined as the act of joining two or more organizations or businesses into one.<sup>46</sup> There could be for instance a merger between company A and company B. Merger could be defined as an amalgamation of undertakings or any part of the undertakings or interests of two or more companies or bodies corporate.<sup>47</sup> This definition is also in line with the definition offered by Akunne et al.<sup>48</sup> In other words, merger refers to a combination of two or more organization into one larger entity. Under this premise, merger can also apply to a political or a social organization and associations.<sup>49</sup>

Merger is voluntary and it is based on pact. Just as in business co-operation, most often in political scenario, merger results in stronger association emerging may be with a new name and with stronger strength to face contemporary challenges. In advanced democracy, political parties especially, the weak ones employ this medium to strengthen their political powers in the face of the challenges with the ruling party or for common ideology. Action Congress (AC) merged with Congress for Progressive Change (CPC) and Alliance for Democracy and came up with All People Congress (APC) of today, Action Congress of Nigeria (ACN) merged with All Peoples Party (APP) and came up with All Nigeria Peoples Party (ANPP). So mergers is not cross-carpeting nor is it party splitting.

Merger has constitutional backing as contained in the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).<sup>50</sup> Also, the constitution protects a member of parliament whose reason for defecting from his party to another is occasioned by the

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<sup>44</sup> These are the views of MO Unegbu vis-à-vis common features of democracy and development in his work titled *Democratization and Development* in Uba Nnabue (ed) *The matics of the Law of Development*, p. 169, which we also believe fit into the features of the two concepts.

<sup>45</sup> Ibid

<sup>46</sup> A S Hornby (ed) *Oxford Advanced Learner's Dictionary of Current English* (n 27).

<sup>47</sup> Council of Legal Education; the Nigerian Law School, *Course Handbook on Company Law and Practice* (Abuja; Earth Dimension Ltd. 2003) 60.

<sup>48</sup> *Company and Business Association II*, Course Guide (Abuja; National Open University of Nigeria, 2011) 125.

<sup>49</sup> Earth Dimsion Ltd. 2003) 60. Chris Wigwe 'Merger and Association in the Nigerian Banking Industry'. A Legal Perspective' [2012] (3) *Journal of Commercial and Contemporary Law*, Imo State University 30.

<sup>50</sup> See Section 68 (i) (g) of the above Constitution.

merger, otherwise such a defector would be deemed to have vacated his seat on account of leaving the party on whose platform he was elected,<sup>51</sup> obviously there is no pact in canoe-jumping.

But in the contemporary world, the possibility of no pact in cross-carpeting is fast being contradicted. At present, it is very clear that defection of some politicians especially, the prominent ones, are being negotiated either because of financial capacity or personality traits. Under this premise, the receiving political party, apart from engaging in lobbying, would most often make accord for an enhanced position in order to woo the defector. The PDP gubernatorial victory in the recent 2020 Edo gubernatorial election is premised on the popularity of Mr. Obaseki who defected from APC to PDP under a pact of gubernatorial ticket in PDP and this was fulfilled after the landslide victory in favour of Mr. Obaseki. With the recent development, it is now very clear that, there is a thin line between merger and party-switching as a result of incessant cross-carpeting among the Nigerian politicians, however merger is not cross-carpeting.

### **Overview of Party Defection in Nigeria since the Independence**

The origin of party defection in Nigeria could be traced to run-up of the Nigerian Youth Movement (NYM) formed from the Lagos Youth Movement in 1939 as an open party with national outlook and spread.<sup>52</sup> The charter of the party ideally tends bringing together different ethnic groups in Nigeria, raising their collective awareness and practically established branches in the Eastern, Western and Northern part of Nigeria. Unfortunately the idea was dashed because, in 1941 the spirit of national character gave in to the ethnic pressures when Samuel Akinsanya and the Ijebu Yoruba pulled out of the movement for the singular reason that the non Ijebu-Yoruba and other ethnic groups, mainly the Igbos, supported the victorious candidate of an Ijaw, Ernest Ikoli, to the vacant seat in the Legislative Council over that of Akinsanya.<sup>53</sup>

The above event ushered in the origin of political defection in Nigeria. But the more notorious political defection was in 1951 between the National Council for Nigeria and Cameroon (NCNC) and Action Group (AG). The two popular parties during this period were the NCNC and AC. Dr. Nnamdi Azikiwe, an Igbo, was to be the premier of Western Region having won 42 votes out of 80 votes in the 1951 election.<sup>54</sup> But for the lobbying and persuasion of Chief Awolowo, a Yoruba and a member of Action Group, the opposition party, many members of NCNC who were of Yoruba extracts massively canoe-jumped to Action Group party.<sup>55</sup> Thus dumped Azikiwe premiership in preference to Chief Amolowo, as a result of injecting ethnicity into the Nigeria Politics Azikiwe only became the premier of Eastern Nigeria, his region.

During this period also, S L Akutola left the Action Group for more of what may be called personality clash and principles, topped by his desire to lead his people to the mainstream. To this event he formed Unity Progressive Party (UPP) and later merged with NCNC. This gave birth to the Nigeria National Democratic-party (NNDP). Mbadiwe a member of NCNC

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<sup>51</sup> Onyinye Ucheagwu-Okoye, 'the *Concept of Cross-carpeting and Legislative Behaviour. A Cribique*' (2019) (5) (1) Law Journal Modonna University 74.

<sup>52</sup> Agudiegwu, Moses Ogbonna and Ezeoma and Emefiena (n 12).

<sup>53</sup> Ibidi.

<sup>54</sup> O S Opadere and J O Agbanua (n8).

<sup>55</sup> Ibidi.

defected to form the Democratic Party of Nigeria as a result of his disagreement with the party, despite being in the inner caucus of the NCNC.

The same scenario continued in the Second Republic, Akim Omoborriowo, the Deputy Governor to Michael Ajasin of the Unity party of Nigeria (UPN) in the old Ondo State, defected to the National Party of Nigeria (NPN) and became its gubernatorial candidate in the 1983 General election. This event turned the State to a theatre of political violence because of the desperate move by the NPN to win the gubernatorial election at all cost through massive rigging and falsification of election figures.<sup>56</sup>

The Third Republic was aborted by the military, President Brahim Banbangida and his cohorts which deprived the acclaimed winner of June 12, 1993 General Election, Moshood Abiola the presidential mandate. Two party system was formed this time. The parties were Social Democratic Party (SDP) and the National Republic Convention (NRC) with a little ideological leanings. But for the annulment, many of the party stakeholders were already warming up to dump their original party NRC for SDP the Abiola's party and the country could have witnessed a massive party switching ever before.

The Fourth Republic Witnessed the dethronement of morality, integrity and rule of law to political prostitution. The political institution was brought to a system of mockery, disrupted and a free for all arena. Self discipline, service for the common good traded in for indiscipline, self aggrandizement, and caution was thrown to wind. Rather the legislatures and party leaders moved back and forward any hopeful or promising political party, while placing their personal gains in the forefront of the movement. Party merging were negotiated for personal gains such as automatic ticket for position of one's choice, particularly to prominent personalities and elites. The socio-economic development of the polity was thrown overboard for personal gratification and gains.

Governors, legislatures and political members at one period or the other had field day in the pursuit of their selfish gains. Samples of Governors who defected before 2015 election include Chibuike Amachi (River State): Aliyu Wanmako (Sokoto State). Nyako (Adamawa State) and Rabi'u Kwamkwaso (Kano State). While sample of the names of legislatures who defected include Abdulahi Balaraba (Sokoto State), Abudumin Jibrin (Kano State), Ali Ahmed (Kwara State), Alhassan Garba (Kano State), Aliyu Patagi (Kwara State), Ahmed Zerewa, Aishatu Ahmed (Adamawa State) Aiyedum Olanyinka (Kwara State), Alhassan Garba (Kano State), Aliyu Madaki (Kano State), Aliyu Shehu (Sokoto State).<sup>57</sup>

The former governor of Anambra State Mr. Peter Obi, a strong stakeholder of all Progressive Grand Alliance (APGA) and a Board of Trustee Chairman defected to PDP having lost his ambition of becoming minister in the original party APGA. At last he was compensated with Chairman of the Nigeria Security and Exchange Commission (SEC) in the new party PDP. Also the former governors of Kano and Sokoto States in the persons of Ibrahim Shekaran and Atahim Bafarawa switched from APC to PDP and were rewarded with minister of education and prominent position in PDP respectively. In the same defection and compensation chase Tom Ikimi, the founding interim national Chairman of the APC Cross-carpeted from All Progressive Party (APP), ANPP, CAN and APC to (PDP), just as Femi Kayode dumped PDP to APC and back to PDP, and recently back to APC.<sup>58</sup>

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<sup>56</sup> Ibidi.

<sup>57</sup> B T Badejo, SC Agunyai and S O Buraimo (N 4)

<sup>58</sup> Agudiegwu, Moses Ogbonna and Ezeani Emefiana (n 12).

Evidence showed that the 2015 general election witnessed a massive party switching and a very unprecedented attitude ever witnessed in the history of political defection in Nigeria.<sup>59</sup> Experience showed that out of 29 governorship candidates of the main opposition party, the APC, 18 members had at one time or the other been members of the ruling party, PDP, which lost the March 29, 2015 presidential election to APC.<sup>60</sup> Other cases of political defections include Aminu Tambuwal (Sokoto State) defected from PDP to APC, Rochas Okorochoa (Imo State) defected from APGA to APC, Aminu Masari (Katsina State) defected from PDP to APC, Dakugu Peterside (River State) defected from PDP to APC, Samuel Ortom (Benue State) defected from PDP to APC and back to PDP, Umar Genduje (Kano State) defected from PDP to APC, Nasiri el-Rufia (Kaduna State) defected from PDP to APC and Aisha Jummai Alhessan (Taraba State) defected from PDP to APC,<sup>61</sup> and a host of others.

Atiku Abubakar the former Vice President under Obasanyo administration is said to be among the highest political defectors in Nigeria, having defected from (PDP) to APC and back to PDP. The list of the party defectors in the Fourth Republic is quite unending only that these samples are picked because of space. In all these party switching, it is observed that personal interests surpassed ideological, party and common interests of the polity. The consolidation and development of democracy is the least of the agenda if any. Ideological deficiency among the political parties in Nigeria is a situation so dangerous such that we might wake up one day to discover that there is no opposition party criticize the ruling party in the failed areas since ideological difference that distinguishes party from the other. It is also noticed that sometimes these party defectors contradict their words and intentions in their original parties just to create impressive mark in the new party. Chief Olisola Oke, who led a contingent of the PDP members, mainly from the South Senatorial District of the State, to decamp to the APC is quoted as saying.

I resisted the wind of change that was blowing, until it was almost trying to blow me out. Now, I have surrendered, I can resist no more, and I have come. I have come over, not because the PDP lost election, I have come over because, the wind of change that is blowing across Nigeria must blow in Ondo State.<sup>62</sup>

The above fallacy shows the extent of moral decadence, ideological malnourishment and lack of focus of most Nigeria politicians. Party switching in Nigeria is fast becoming an ethnic culture, that is some defect to a particular party to show solidarity to their ethnic learnings. Most of the politicians are ready to say or do anything just to actualize their ambition rightly or otherwise. Sometimes the desperate politicians can bring destructive elements like ethnicity and religion to woe their targeted fellow politicians and uninformed electorates to support the defection just to have the intention achieved as was the case in Chief Awolowo and Nnemdi Azikiwe in 1951.

### **3. Rational for Cross-carpeting**

Party defection is not peculiar to Nigeria. It is rather a universal feature of politics world over. The United States of America, Germany, India, Balize, South Africa have experienced defections in political parties. But the magnitude cross-carpeting is practiced among the

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<sup>59</sup> Most times, defection of the legislators are done in solidarity to the governors, except in a few exception, such were the case in the sample of defected legislators above.

<sup>60</sup> Agudiegwu, Moses Ogbonna Ezeani and Emefiena (n 12).

<sup>61</sup> Ibid.

<sup>62</sup> Paul Irabor and Olu Awofeso (n 1).

partisan politicians in Nigeria is worrisome especially under the Fourth Republic. Be that as it may, the constitutional and human factor can be identified as constituting the rationale for which politicians cross-floor in Nigeria, we are now going to look at these two issues.

### **3.1 Faulty Constitution**

The Constitution of the Federal Republic of Nigeria, 1999 (as amended) was the off-spring of the military government, precisely directed and finally enacted under the military head of State Abudusalami Abubakar and his cohorts and thereafter imposed on Nigeria at the verge of the military hand over. Therefore, it is never the will of the people as the provision or rather the preamble to the Constitution claimed. There was no due process in enacting the Constitution. In view of this, Chief FRA Williams like many others believe that the Constitution lied against itself.<sup>63</sup> There was no referendum for the citizenry to make inputs. This informs the many errors like enormous power vested on the centre, lacunas and the enormous powers given to the Independent Electoral Commission (INEC) to oversee everything about election in highly populated country like Nigeria, and other lacunas. To this end, there are contradictions and leverages that favours defections in Nigeria Politics.<sup>64</sup>

As regard the tenure of office members of the National Assembly, section 68 (1) (g) of the Constitution provides particularly that a representative shall vacate his seat in the House of which he is a member if he because a member whose election to the House was sponsored by a political party, he becomes a member of another political party before the expiration of the period for which that House he was elected. Provided that his membership of the latter political party is not as a result of a division in the political party of which he was previously a member or a merger of two or more political parties or factions by one of which he was previously sponsored.

The provision to paragraph 68 (i) (g) is a leverage to defection in that political defectors do catch on either of the ingredient or provision to defect. Sometimes conflict which could ordinarily be settled among the party members is blown out of proportion and this aids the party prostitutes to cause division in the party and so defect. Again on the issue of merger which is another way of defection without losing one's seat, it is also on record as we pointed out earlier that politicians, especially those who lost target position in an election often defect to merge or form a new party, and sooner or later either dump that party to another or back to the original party to satisfy their interests, these back and front movement do not encourage democratic advancement, let alone improvement in people's standard of living.

### **3.2 Large-scale Corruption among the Political Leadership**

The failure of the rule of law in the country has encouraged inefficiency and trailed in all sectors and at all levels of government, be it the executive, the judiciary or the legislature. Frightening stories of momental corruption in the threes arms of government has led to some commentors to call for capital punishment for corrupt activities.<sup>65</sup>

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<sup>63</sup> M O Unegbu (n 39) 170.

<sup>64</sup> See particularly the Constitution of the Federal Republic of Nigeria, 1999 (as amended) section 68 (i) (g) and see also Ike Ekweremadu and Offoruze D Amuiheazi constitutional Review in an Emerging Democracy. The Nigeria Experience (New JERSEY Goldline and Jacobs Publishing 2015) particularly at pages 23 – 24 for more criticism and lacuna of the Constitution as regards party affairs.

<sup>65</sup> M O Unegbu (n 39) 171.

Despite other reasons for defection already mentioned, corruption among party leaders is the most remarkable aid to cross-carpeting. Corruption incubates many other anti-party behaviours such as embezzlement of party funds, intimidation of party members, selection based on self choice instead of members' choice, godfatherism and others.

Often times political leaders in Nigeria lack leadership qualities such as empathy, sympathy, democratic acumen, autocratic or *laissez-faire* attitudes that are applied appropriately as the need arises to deal with individual problems and differences. A political leadership lacking these leadership qualities loses his members to other parties.

### **3.3 Lack of Ideology and Weak Party Formation**

Political parties in the fourth republic were mainly formed to arrest governance from the military regime and avert international sanction for military governance in Nigeria. In the light of this, no adequate orientation nor ideology formed the bases for the establishment of these parties in Nigeria. To this end, political parties are otherwise viewed as tools to fulfill electoral requirements for democratic governance.

Tyoden pointed out that Nigerian politics was disassociated from issue of ideology and social forces and in the face of these, coupled with the seemingly visionless formation and mixtures of strange bed fellows, it is expected that the parties formed in such condition would be characterized by intra-party crises that would result in persistent defections,<sup>66</sup> manifestly showing evidence of ideological bareness. Supporting this view, Lawrence I Edet, states:

Nigerian political parties are riddled with ideological confusion, internal crisis and lack of capacity to sustain itself. This has accounted for parties changing names, merging with other parties and sometimes form alliance but still face peculiar problems. Ideological principle is necessary in party formation, structure and management.<sup>67</sup>

Seliger lending his support to the importance of ideology in party formation, and function averred that politics interconnect with ideology.<sup>68</sup> Furthermore, Omotala is of the opinion that the faulty origin of political parties in Nigeria is responsibilities for the parties' ideological bareness and the poverty of ideology is significantly accountable for the prevailing cross-carpeting of the Fourth Republic.<sup>69</sup> Party ideology enhances internal democracy in that most of the party decisions or rather activities are dependent on the party's principal and predetermined goals to be achieved as enshrined in a concised document called party manifesto. So long as Nigeria political parties lack this cardinal principle, it is easy for the members of the political parties to jumb back and front to pursue one's selfish interest than to seek for the advancement of democracy through party ideology.

### **3.4 Personal Interest**

Experience shows that in politics, there is no permanent friend but permanent interest and so when the light to getting the permanent interest is blink, party members switch parties to actualize it. Oko supports that selfish interest and quest for political power lead politicians to switch parties without care or concern for either the party or citizens who elected them. In

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<sup>66</sup> Tyoden in Aguegwu, Mosee Ogbonna and Ezeani Emetiena (n 12).

<sup>67</sup> Lawrence I Edet (n 17).

<sup>68</sup> *Ibidi*.

<sup>69</sup> Omotala in Paul Irabor and Olu Awopeso (n1)

such an environment, loyalty and support for political parties are not natural instincts for politicians whose primary concern are self-projection and self-interest.<sup>70</sup>

Badejo and Obah-Akpowogbaha observed that among the factors sampled as to why politicians switch parties, politicians making themselves relevant and get-rich quick syndrome by party elites scored 77.8%.<sup>71</sup> Unfortunately, the anti corruption agencies such as the Economic and Financial Crime Commission (EFCC), Independent Corrupt Practice Commission (ICPC) are just toothless bulldogs, more or less used by the incumbent government to silence constructive criticism from the opposition parties and seemingly enemies in the polity.

### 3.5 Lacks of internal democracy

Internal or intra-democracy connotes the practice whereby citizens of a state take part in the making and implementing the decisions and policies that affect their welfare and general living standard<sup>72</sup>. Internal democracy describes a wide range of methods for including party decision-making and also allows the registered party members the opportunity to exercise their franchise in the selection of delegates to party conventions as well as candidates that contest general election for the parties<sup>73</sup>.

Internal democracy does not only affect the credibility of election, but also the quality of leadership, governance and economic development.<sup>74</sup> Sartori and Duverger stressed further that internal democracy is very critical for the functioning of a democratic system in particular and in the general process of the country, and PDP the then ruling party is said to have suffered from the absence of internal democracy than other political parties in Nigeria.<sup>75</sup>

Lack of internal democracy is an ill wind that blows no good to anyone. This is because a house divided against itself can never rise, let alone develop. Political and democratic development are unthinkable where the party leaders and elites hijack franchise and involvement of members in the political activities that concern them. No wonder democratic dividend is a far cry in Nigeria. The end-SARS and bad governance that took place in October 2020 is pointer to political decay and bad governance in Nigeria. What is almost becoming a culture among the political parties in Nigeria is party switching. The party leaders and elites are not bothered about anti-party activities. Rather the incumbent elected office holders select their choiced candidates to succeed them so as to maintain the godfatherism. So, under this condition, the dissatisfied party aspirants who are unjustly deprived of their ambitions defect to other party ready to welcome them to actualize their dreams, while the over ambitions ones canoe-jump to satisfy selfish interests.

### 3.6 Other Reasons for Political Defection

Olaolu S. Opadere and Julius O. Agbanua submitted that Nigerian politician also switch parties such as to have better access to power and the spoils of office, to escape political oppression or persecution, as a result of breakdown in the aims and objectives among the

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<sup>70</sup> Okechukwu Oko, *Legislators in Changing and Challenging Times: An Analysis of the Nigerian National Assembly* (New Jersey: Goldline and Jacobs Publishing 2014) 195

<sup>71</sup> BT Badejo and NG Obah-Akpowogbaha, *The Impact of Cross Carpeting and Multiplicity of Political Parties* in Nigerian Democratic Process (2015) <http://www.academicjournals.org/jASD> Accessed 14th May, 2020.

<sup>72</sup> Osahon Omoregie *"Democracy in Nigeria problems, Challenges and Consolidation"* (2017) <<http://www.researchgate.net/publication/329107737>> accessed 14 April, 2020.

<sup>73</sup> Agudiegwu Moses Ogbonna, Ezeani and Emetienna (n 12)

<sup>74</sup> Okhaide in Osahon Omoregie (n 73)

<sup>75</sup> Onyinye N Chukwujekwu (n 32)

founding members of a party, as a tactical and strategic political retreat to re-launch a political agenda on another platform and for ideological reasons.<sup>76</sup>

Okechukwu Oke, agrees with the above reasons and pointed out also that politicians switch parties because of fear of marginalization as well a disagreement with the party leadership<sup>77</sup>. Badejo and Obah-Akpowogha advanced that the cause of party defection include politicians making themselves relevant in the political process, multiplicity of parties, and others<sup>78</sup>. Politicians also floor-carpet parties because of influence of godfathersim, greed, fear of intimidation, internal crises or unresolved differences, indiscipline among party members; lack of motivation especially for special talents and efforts among others.

In any case and as pointed earlier political defection is not peculiar to Nigeria, it occurs in both developing and advanced countries of the world, some advanced democratic countries allow defection among politicians to sort itself out and so defection of party members are not treated with serious attention. This applies to countries like the United State of America, Britain and the likes. In the United States of America, party defection occurs among the two major parties, the Democratic and the Republicans. In the United Kingdom there were also slight cases of party switching from Liberal Party to Labour Party about the beginning of twentieth century<sup>79</sup>. The communist countries in Europe like de-sovietian saw many communist party representatives switch parties ranging from socialist party to conservative party.<sup>80</sup>

India, Balize and of course Nigeria felt it is a threat to democratic advancement and so provide law to checkmate it. Accordingly, India as a developing country enacted laws against defection in 1973, 1985 and 2003<sup>81</sup>. The law provides that a person can be disqualified from serving in the parliament for withdrawing membership of his original political party.<sup>82</sup> The provision reduced cases of floor-crossing in India especially among the public officers for fear of losing ones position. Disqualification on grounds of split of a political party and merger shall also not apply.<sup>83</sup> Belize law provides that a member of the House of Representatives shall also vacate his seat in the house if having been a candidate of a political party and elected to the House of Representatives as candidate of that political party, he resigns from that political party or cross the floor.<sup>84</sup>

The Constitution of the Federal Republic of Nigeria, 1999 (as amended) section 68 (1) – (g) as reiterated earlier provides penalty for defection by a political seating member only. Whereas section 68(1) (g) also provides a proviso or an exception to vacation of a seat of a serving political member. In *Hon. Ifedayo Sunday Abegunde v the Ondo State House of Assembly & Or*<sup>85</sup>, the court in making reference to the two cases of Attorney General of the *Federation v Abubakar*<sup>86</sup> and *Federal Electoral Commission v Grami*<sup>87</sup>, held that the two

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<sup>76</sup> Opadere and Agbana (n8)

<sup>77</sup> Okechukwu Oke (n 71)

<sup>78</sup> B T Badejo and N G Obah-Akpowoghaha (n 72).

<sup>79</sup> BT Badejo, SC Agunyai and S O Burain O (n 4).

<sup>80</sup> Ibid.

<sup>81</sup> Lawrence I Wdet (n 2).

<sup>82</sup> Ibid.

<sup>83</sup> See the India provision for defection of political party member in Okechukwu Oke, (n 76).

<sup>84</sup> See also Belize Article 59 (2) on Tenure of office of member in Okechukwu Oke above.

<sup>85</sup> [2015] (Pt 643) (Sc).

<sup>86</sup> [2007] 10 NWLR (Pt 104) 178.



cases are clear case of fractionalization, fragmentation, splitting or division that makes it impossible or impracticable for a political party to function. As such it will by virtue of the proviso to 68(1) (j) justifies a person's defection to another party and retention of his seat for the unexpired term in the House in spite of the defection. But the appellate court supporting the decision of the lower court held that the Labour Party in question has continued to function as a party by meeting the conditions of section 221 and 222 of the 1999 Constitution and so cannot be said to have been so fractionalized, fragmented, split or divided to justify the defection of the appellant to another party and retention of his seat in spite of defection. In *Delta State House of Assembly & Anor v Democratic People Party & Ors.*<sup>88</sup> The court held:

that the third respondent's defection was to advance his political career and not because there was any situation that can be characterized as division in his party ... and the issue was resolved in favour the appellant

Though Nigeria has similar anti-defection provision like some of the developing countries discussed above, perhaps to instill discipline among the politicians so as to play the game of politics according to the provisions of the Constitution, but with experience of the massive defection among the elected and non members of the political class in 2015 general election, it is implicitly clear that those anti-defection laws are nothing but were paper provisions stemming from the impunity by which those laws were contravened and still being contravened while the organs and the institution in whose jurisdictions lie the power to check-mate them stood by without any convincing action taken against the defectors to serve as deterrent to other politicians. Just recently in 2020 the two governors of Edo and Ebonyi States in the persons of Governor Obaseki and Governor Umuahi switched to opposite parties just to realize their ambitions. Irony

Governor Obaseki defected from APC to PDP to retain his seat as Governor of Edo State while Governor Umuahi switched from PDP to APC to realize the alleged (personal) presidential candidate ambition. The irony in all these is that each of these personalities defected to the party he has earlier condemned their activities. This goes to support our earlier stand that more than 70% of the Nigerian politicians work for self-interest than for the good of the masses.

We are therefore of the view that allowing incessant defection in incessant our democracy as practiced in advanced democracy could seriously deter democratic development and dividends of democracy thereto. It is therefore, of essence that stiffer measure like losing one's political right for five (5) years will put in check unwarranted defections for a better democratic system.

#### **4. Implications of Incessant Cross-competing to the Development of the Nascent Democracy in Nigeria under the Forth Republic**

Incessant party switching in Nigeria is an ill wind that blows no one any good especially to the nascent democratic system. Oke identifies party switchers as mobile politicians and states their activities undermine already weak party organization, impede the institutionalization of party system and complicate process of policy making and representation.<sup>89</sup> Party switching

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<sup>87</sup> [1983] LPER – 1256 (Sc).

<sup>88</sup> [2014] LPELER – 22808 (CA)

<sup>89</sup> Okechukwu Oke (n71)

introduces undesirable uncertainties, triggers ill feeling unto the legislator, undercuts respect critical to a healthy relationship between legislators and their party leaders<sup>90</sup>.

From the moral point of view. Opadere and Agbana are of the opinion that defection which is not based on sound issue of ideology or principle, is immoral and shows politicians concerned as being more interested in his personal gain than service to the people he is elected to represent and serve<sup>91</sup>. Most Nigerians are very religious and consistency is regarded as a virtue of someone professing the religion. Therefore, except the reason for cross-competing is properly and honestly situated within the purview of section 68 (1) (g), paragraph (2) and section 109 (1) (g), paragraph (2), it would amount to religious desecration for politician who most often profess religion, to defect to another party without regard for the feeling of the masses<sup>92</sup>. In addition, incessant defection of political office holders amount to betrayal of trust reposed on them by the electorates. Section 49 of the Constitution of the FRN, 1999, (as amended), clearly provides:

Subject to the provisions of this Constitution, the House of Representatives shall consist of three hundred and sixty members representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one state.

If these are the conditions on which the legislators acquires and retain the positions, it means therefore, that the indiscriminate defections among the politicians especially in the 2015 general election and in the recent time mainly to satisfy personal interests is a breach of trust on the mandate of the electorates.

Incessant party switching among the politicians triggers feeling of abandonment among the electorates whose mandate the defected politicians is thriving on. It defers development and democratic process, especially in a developing country like Nigeria. It causes confusion among the voters especially at the grass root. It is a waste of resources in a developing country like Nigeria and lead to fragmentation and proliferation of political parties as was the case in the former ruling party the PDP.

Indiscriminate cross-competing lays bad precedent to the youth. Youths are persons within the age bracket of 15 to 35 years and estimated to be about 64 million in population in Nigeria. Minus a few of this group, the youths in Nigeria are quite enterprising. But the continuous anti-party behaviour particularly as regards incessant party defection by the political class in Nigeria being communicated to the youths, it may not only send a dangerous signal but also a bad precedent that incessant defection is the way out for partisan politics for both the present and the future youths, since one cannot give what he does not have (*memo dat quod non belief*).

Cross-competing portrays dearth of political ideology<sup>93</sup>; is a set of beliefs, value and opinions that shape the way a person or an group such as a social class thinks, acts and understands the world, that is people's beliefs, value and ideals. Olaolu S Opadere and Julius Ogbana are of

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<sup>90</sup> Ibid, 189-209

<sup>91</sup> Olaolu S Opadere and JO Agbanua (n 8)

<sup>92</sup> Ibid

<sup>93</sup> Define ideology as a set of belief, value and opinions that shape the way a person or a group such as a social class thinks, acts and understands the world. Ideology may also be conceived as a person's perception about a phenomenon.

the view that a little of what was left of the ideology among the political class in the first political dispensation in 1960 – 1963, vanished in the Second Republic 1983 – 1999<sup>94</sup>. This view buttress what we have earlier stated in this work, that the political elites in Nigeria lack ideology and so practice more, money politics and that is why there is proliferation of parties and rampant cross-competing wherever the personal interest is dashed or about to be dashed.

It is rather observed that in advanced countries of Britain, the USA, Germany and Australia where ideological bloc is maintained that a member of one party can support another party in a good endavour without necessarily defecting to the party. Thus in 2008, Collin Powell, a former US Secretary of Defense publicly supported the Democratic Party Candidate Barrack Obama for the US Presidential election without party switching.<sup>95</sup>

Political defection in Nigeria is almost becoming a culture because, there is paucity of ideas, collapse of political values and norms, lack of principles based on shared beliefs and the selfish interests of Nigerian politicians.<sup>96</sup>

Party switching breaths increase in enmity. The defection of politicians in Nigeria especially under the Forth Republic created more enmity among the politicians particularly between the ruling party APC and PDP. The two parties play politics with raincour and animosity. The ruling party APC would never accept any constructive criticism from the opposing party PDP no matter how genuine or germane it may be.

The legislatures in the two Chambers do not accept constructive criticism even when the criticism could correct some anormalities and improve the development of the nassant democracy, they rather made abusive words with each other and so throw confusion on the electorates on whom to blame and then shy away from their responsibilities. The insecurity in Nigeria today; the poor standard of education, poverty, the unemployment and the recently End-SARS protest and undeveloped democracy are all brain children of poor governance greatly influenced by party politics and these in-effect have accorded politics a dirty game.

Where there is weak institutional structure as we find in Nigerian parties, politics is reduced to unbridled opportunism and the over self-serving interest of individual politicians who derail the nation building process and democratic projects <sup>97</sup>.

Without strong political parties and strong political institutions that are accountable and effective, that negotiate and articulate compromise to respond to conflicting demands, the door is effectively open to those populist leaders who will seek to bypass the institutions of government, especially a system of checks and balances and the rule of law.<sup>98</sup> This is exactly the position of various institutions of governance and thus gives rise to political godfatherism which negatively influence the out-put of political parties, democratic individuals and leverage to godfatherism. They intimidate members without their consensus thus cause party crises and eventual defections of some disappointed members. The Obasanjo administration imposed late president Musa Yar Adua on the PDP as its presidential candidate without the consensus of the party. This was the positions in the cases of Rotimi. Amaechi and Celestine

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<sup>94</sup> Ibid

<sup>95</sup> Lawrence I Edet (n 17)

<sup>96</sup> Ibid

<sup>97</sup> Clement Nwafor Olaulawo, N F Unaji, 'Inter-Party Conflict and Respect of Democratic Consolidation in Nigeria' [2016] <[www.osrjournals.org](http://www.osrjournals.org) 5th May, 2020.

<sup>98</sup> Ibid.

Omehia of River State and Ifeanyi Araraume of Imo State and Charles Soludo of Anambra and others.

Okorie in discussing the legality of defection from one political party to another by elected officers, quoted Prof. Tran David-West as recently submitting after scolding the political decampees, that post election cross-competing is a threat to democracy and stability<sup>99</sup>. But in his conclusion, Okorie submitted that defection does not change the character, vision and mission of the officers nor anything in the system, citing Dr. (Sir) Ikedi Ohakim's defection from Progressive People's Alliance (PPA) to PDP in Imo State and the Supreme Court judgment in *A.G Federation v Abubakar*, and the judgment in *Amaechi v INEC* as examples.

Albeit if this view is accepted, the implication is that all these warnings and views of different authors and scholars against the dangers of incessant political defections among the politicians and the legislators in Nigeria, including the example he cited are inconsequential and so go to no issue.

Again, with due respect to the Supreme Court, if also the issue of defection is allowed to take care of itself, as it is practiced in advanced democracy like the USA and Britain and based on the ruling in the two cases above, the danger is that Nigerians may one day and with the way the political prostitution is going, find out that the nascent democratic governance is no more. This is because, based on the facts and findings, exposed in this work, excessive greed, and ethnicity and personal interests top the list for party defections in Nigerian Politics. Whereas in advanced democratic environment such as the USA, Germany, et cetera, ideological differences are basically the reasons for most defections. Therefore, the issue on political defection among the political class must be treated in consideration with the peculiarities of a particular jurisdiction and not according the general rule obtainable in every democratic jurisdiction.

## **5. Conclusion**

Political parties are the basic machineries that connect the government and the electorate in any democratic system. Valid political parties based on clear cut ideologies enables a political party map out a blueprint which to some extent is reduced to party manifesto and pursued to a logical conclusion to enhance democratic advancement. On the other hand, experience from this work shows that incessant defection is an enemy of democratic advancement especially in the developing country and so should not be encouraged or allowed to sort itself out as practiced in advanced democracies.

## **6. Recommendations**

The Constitution of the Federal Republic of Nigeria, 1999 (as amended) is full of defects and conflicting provisions. These include the over-centralization of powers at the centre, conflicting and leverage provision to defection, enormous power given to INEC to oversee everything about election in a largely populated jurisdiction like Nigeria. The Constitution should urgently be amended to take care of the defective areas, while we await for a new Constitution (Autochthonous) that bears the wishes and aspirations of the people.

The Indian Constitution provides that a person can be disqualified from serving in the parliament for withdrawing membership of his original party. South Africa also abolished floor-crossing in 2009. Nigeria Constitution could also borrow a leaf from these provisions

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<sup>99</sup> C K Okorie "Is Defection From One Political Party to Another by Elected Public Officials Justified Under the Laws?" 2010/2011 (ix) Nigerian Journal of Legal studies, 45

when enacting a new (Autochthonous) Constitution to control incessant cross-carpeting of defections.

The interest of party members should override personal interests. Divergent views and interests of the party should be accommodated where they are of value instead of the godfather and the party stalwarts lording it over the poor party members who may have no option than to defect as a way of establishment their grievances and to run away from the intimidation of godfathers.

The rule of law should override the rule of man to curb corruption often found among the party leadership and other stakeholders in the party. To this end political parties should stick to party by-laws to control anti-party behaviours associated with corruption such as embassulement of party fund, intimidation of party members, selection based on self choice instead of party consensus and others.

The poor formation of political parties in Nigeria resulted to ideological barrenness we experience in the polity today. Since this is the case, party switching is then the in thing because there is no principle to lean on. Thus, it is paramount that ideology should form the basis for formation of a political party, because it is the ideology of a particular party that shape the thoughts and culture of a particular party and distinguish it from the other. To this end, the founding fathers of various political parties should brought ideology for each party and inculcate this to both old and new members to work towards the party ideology and this will, to great extent, reduce party prostitutions as we find in advanced countries. The Independent Electoral Commission should, as a matter of importance educate party leaders from time to time to maintain party ideology and orientate their members to do the same.

Though achieving personal interest is necessary when it is not based on selfish interest, however, party members should pursue this with caution while putting the interests of the party into consideration to avoid clash of interests. A get rich-quick Syndrome often experienced among the overzealous party members which most a time results in political prostitutions to actualize the interest should be avoided. Those feeling more relevant than others in a political party should understand that it is another way of intimidation which otherwise encourages defections.

Party leaders should exercise good leadership qualities by being more democratic than autocratic. They should also exercise empathy, sympathy in time of need. They should motivate good talents and handwork, provide machinery for solving party and members' differences and sanction culprits without exceptions to deter further occurrence.