

**THE JUDICIARY AND DEMOCRATIC CONSOLIDATION IN
NIGERIA: A REFLECTION ON THE 2019 PRE-ELECTION
INTRA-PARTY CONFLICTS**

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Abstract

The role of the judiciary as an arbiter is unquantifiable if taken from the purview that democracy promotes ventilation of diverse interests and equally provides a rancour free process for amicable resolution of interests, opinions, options and selections-induced conflicts. This brings about the undeniable role of the judiciary as a contributor to democratic sustenance. Though, the 2019 general elections have come and gone but the memories of judicial deprivation of some contestants from participation and losers eventually becoming winner will linger for a long time in Nigeria's tortuousefforts at democratic sustenance. Above draws applause, rejection or reservation amongst Nigerians. Why is this so? Where lies the blame? What lessons have been learnt? It was observed that parties primaries as a prelude to the 2019 general elections has proven that Nigerian political parties internal selection process for parties flag bearers was sort of an acceptable democratic standard. The paper therefore, seeks to establish that there is a connection between democracy, political parties and the judiciary. It therefore recommended that the judiciary's role as an arbiter and interpreter of the constitution and adherence to the rules by political parties must not be under estimated in Nigeria's quest for democratic consolidation. The paper relies on the secondary sources and adopted rule of law principle as the theoretical framework.

Keywords: Judiciary, Consolidation, Rule of Law, Intra-Party Democracy.

Introduction

The presumption that democracy is a conflict prone system because it allows ventilation of different shades of opinions and interests needs to go with an acknowledgment of the necessity for conflicts resolution. The arm of the state established to perform this role is the Judiciary Apart from serving as an arbiter between the government and the people, it also resolves the differences between the executive and the legislature, thereby performing judicial review with a view to checking institutional excesses, on one hand. On the other hand, the judiciary is expected to secure justice for individual or group who felt cheated by their political parties. As a conglomerate of people who share similar ideology or interests, political parties are expected to provide a mechanism for resolving their internal crises but when this failed, the court becomes the alternative arena for amicable resolution of these crises. Here comesthe role of the courts to make sure political parties adhere to their rules in their internal workings (decisions, selections and sponsorship of candidates).Without gainsaying, political parties have been described as a vitalinstitution without which modern democracy is unthinkable (Hautefeuille, 2018). Political parties have also been transformed from socio-political organizations into veritable institutions that form an integral part of the modern democratic state (Van Biezen, 2011, in Hautefeuille, 2018). Given this, one

may be constrained to ask, what should political parties do to shape, nurture and consolidate democratic practices. It is argued that political parties, as vital institution of the state that aspire to control state machinery, should be obliged to conduct their internal affairs in a democratically sanctioned manner (Ajayi, 2005, p. 38). Based on this premise, they are seen as symbols of national value and national ideal and must imbibe and inculcate democratic ethos. (Ajayi, 2005, p. 38). This underscore the importance of intra-party primaries as an offshoot of democracy whose "legitimacy comes from an acceptance of the fairness and transparency of its procedures" (Agagu, 2011, p. 74-75).

While analyzing problems associated with consolidating democracy in Nigeria, Kolawole, (2011, p. 65) opined amongst other factors, listed; godfatherism, tendency towards democratic despotism, leadership and corruption as challenges. The possibility of either, a combination or all these challenges, cannot be ruled out as a determinant of why a political party may negate internal democracy in the selection of its candidates for elective public offices. The way and manner Nigerian political parties conduct their intra and inter party elections have proved to be a threat to democracy in the country since 1999 (Fashagba & Oye, 2014, p. 61). Though, recourse to anti-democratic acts is not peculiar to any party since then, the brazen with which the major political parties conducted their parties' primaries in 2018 to select their flag-bearers for the 2019 general elections call to question their ability to nurture and sustain democracy. This brings us to the role of the judiciary in ensuring that a key factor (political party) in democratic system conducts its affairs in accordance with the rules and regulations guiding party's operations.

The paper is arranged in seven sections. The introduction is followed by clarification of concepts while the theoretical background for the paper occupies the third rubric. The linkage between judiciary and democracy, the interconnection between political party, Intra-Party Democracy and democracy, and specific case studies occupy the fourth, fifth and sixth sections. The conclusion form the last part of the paper.

Conceptual Clarification

Judiciary

Section 6 of the 1999 constitution of the Federal Republic of Nigeria (FRN) as amended specifically stated the role/responsibilities of the Nigerian Courts. It states that the judicial powers shall be vested in the courts established by this Constitution. Such powers, section 6 (6 b) says, shall extend to all matters between persons, or between government or authority and to any person in Nigeria, and to all actions and proceedings thereto, for the determination of any question as to the civil rights and obligations of that person

This implies that the judicial arm of the state is the body responsible for the interpretation of the constitution and expected to dispense justice without fear or favour but in accordance with the letters of the constitution. Thus, the body is the third realm of the state saddled with statutory role to determine the constitutionality or otherwise of the action of any arm of the state, individual or group or body/association when approached for intervention. In doing this, they protect the interests and rights of the citizens, resolves conflicts interests and prescribe appropriate punishment for culprits (Nwozor, 2014, p. 130). These superior courts of record are as stated in section 6 subsection 5 (a-i) with the Supreme Court being the highest court in the land.

Democratic Consolidation

It has been described differently but for the purpose of this paper, it means "reducing the possibility ... of the breakdown of democratic order ... to the point where political actors can feel reasonably confident that democracy will persist ..." (Ojo, 2006, p. 5-6) and that strict adherence to democratic ideals is the ideal behaviour. Additionally, it can be perceived as, "the widespread acceptance of rules to guarantee political participation and political competition" (Michael Button as cited by Ojo, 2006, p. 6). This ensures nobody is deprived arbitrarily except in accordance with the rule of law or constitutionally prescribed deprivation(s). In the views of David Collier, defining democratic consolidation falls into three categories: action-centered, event-centered and institutional approach (external and internal)

(Okotie, 2008, p. 88). The action-centered approach falls within the purview of this paper. This approach, he says, "focuses on the willingness of significant actors to walk within democratic rules" (p. 88).

Political party

Though, there is no agreed definition about political party; what is usually common in all the definitions, is that a political party is composed of people who shared common goal; which is capturing state power. In view of this, a political party is conceived as a group of individual who shared a common goal and ideology, and operate under what is termed 'rule of the game'. The rules of the game determine its internal workings, ensures conformity with fairness and equal treatment of all its members. Indeed, the constitution of the party serves as an impartial pillar for the party's stability and sustenance. More so, as a secondary function, political parties are expected to protect and defend the constitution (Olugbamiye, 2010, p. 19).

Theoretical Framework

The theoretical framework which underpins this work is the rule of law. The rule of law is a critical feature of modern liberal democracy. The rule of law as propounded by A. V. Dicey is premised on three precincts; *vis-a-viz* supremacy of the law, equality before the law and civil liberties (Fabiye, 2010, p. 16-19; Akanbi & Shehu, 2012, p. 1-2, Ayodele, 2008, p. 28). The presumption is that these attributes cannot be implied except save under a democratic order. For instance, the supremacy of the constitution is subject to the dictate of the commander-in-chief of the armed forces under a military cum authoritarian regime. Whereas, this is not applicable under a civil/democratic regime. Thus, its meaning or content is that the law is held sacrosanct and presupposes relegating arbitrariness in the application of the fundamental guiding principles of any state.

Situating it within the context of the Nigerian Constitution, rule of law is captured by section 17, subsections 1 and 2 (a-e) which state inter alia:

1. The State social order is founded on ideals of Freedom, Equality and Justice.
2. In furtherance of social order-
 - a. every citizen shall have equality of rights, obligations and opportunities before the law;
 - b. the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced;
 - c. governmental actions shall be humane;
 - d. exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community shall be preserved; and
 - e. the independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained. (FRN, 1999)

In furtherance of the principles of rule of law, the Supreme Court, according to Fabiye (2010, p. 7) enumerates what the concept connotes:

- i. That the state is subject to the law;
- ii. That judiciary is a necessary agency of the rule of law;
- iii. That governments should respect the rights of the individual citizens under the rule of law; and
- iv. That to the judiciary is assigned both by rule and by our constitution, the determination of all actions and proceedings relating to matters in dispute between persons or between government and or authority and any person in Nigeria.

The question is 'why the rule of law', when the issue at stake has to do with intra-party conflicts? Available facts show that all registered political parties in Nigeria owed their existence to the letters of the constitution. That is, the 1999 constitution expressly approved their existence. And in so doing, the parties, are expected to structure their operations and activities in line with the law. Hence, the constitution of any political party should not be at variance with the 1999 constitution as it has been expressly stated in section 1; that any law which contradicts the constitution is void to the extent of its inconsistency. So any member of the party who is aggrieved or short-changed is obliged to approach the

court to seek for remedy. This explains why the Supreme Court, as stated above opined that the judiciary is assigned by rule and our law to determine any matter in dispute between persons or authority. Thence, political parties are expected to act in accordance with their guiding rules so as to pave way for equality, fairness and justice among their members. Anything sort of this is a misstep and a negation of the rule of law and democratic principle.

In view of the above, this paper agrees with the opinion expressed by Professor Wade (as stated by Akanbi & Shehu, 2012, p. 2) that:

- i. All acts must be in accordance with the law to be valid (party constitutions, fall within the purview).
- ii. That government (inclusive of political party) activity must be conducted within a framework of defined rules and regulations
- iii. That disputes involving legality of government (political party) actions must be decided by courts independent of the government (political party)
- iv. There should be no undue privileges and discrimination in the society (even political party) and
- v. That no one should suffer punishment outside the authority of the law (party constitution). (Emphasis, in the italics, added)

Judiciary and Democracy: The Linkage

Democracy and Judiciary has been established to be intertwined. The role of the judiciary "is not just the custodian of people's fundamental rights, guardian of the constitution but also helps in maintaining a balance between the various wings of the government" (Ajibewa, 2006, p. 271) and even between people and other authorities established or founded by constitutional recognition. Save to political parties, modern democracy may not have been able to fulfil its requirement in terms of freedom of association, articulation, aggregation and providing a training ground for future leaders. The national outlook a political party is expected to satisfy under the 1999 constitution of the federal Republic of Nigeria as amended meant that political parties have assumed a "multicultural dimension" (Ayodele, 2018; p. 25). This has been encapsulated by section 222 (a) that rejects deprivation on account of religion, sex, circumstance of birth, ethnic grouping or place of origin. It thus implies that a political party must compose of people of different background in terms of orientations, exposure and interests but all these are in theory subsumed under the party's interest. Whereas in reality, these differences usually play itself out whenever decisions are to be taken by the party. These crises in a general parlance, is called intra-party conflict or crisis and usually occurred during party conventions or party primaries for the selection of party flag-bearers for any election. The attendant clash of interests which, if not handled properly, could lead to the death of a political party and on a large scale could jeopardize democracy.

In order to avert a recourse to self-defense and or anomic response, the judiciary is expediently required and becomes the last resort for remedy of any perceived or misconceived injustice or deprivation. This perhaps raised the issue of rule of law; the pillar upon which democracy rests and fundamentals of the justice system. This, perhaps, recognises "... the indispensability of the principles of rule of law as a requisite for a just, free and democratic society" Ayodele (2008, p. 28). This means that the judiciary is one of the pillars upon which democracy rests. Corroborating this, IDEA (2001) submits that the safeguard for vicissitudes of politics is dependent on the strength of character of Law and how the judiciary performs its role in the justice process (p. 35). It is important to acknowledge the danger inherent in judiciary's failure to discharge its statutory role. A recourse to violent or destructive acts or actions are expected when the people perceived courts' judgments as a vacation of its role. If such miscarriage of justice persists, it is conceivable to state that the end for democracy in such a society is glaring. It is humbly submitted that the judiciary can guarantee democratic consolidation if it plays its roles within the precinct of the rule of law and can cause a derailment, if it abdicated its role. This is because politics and law are inseparable in the governance of modern society. Thus, the struggles for power among individuals and groups are expected to be sought for in accordance with the dictates of the rules while the interpretative powers of the courts is needed when approached to determine when a rule has been complied with or not.

Political Party, Intra-Party Democracy and Democracy

The literature is replete with functions of political parties (Muhammad, 2010, p. 22-23; Scarrow & Webb, 2017; Shuaib, 2019; Olugbamiye, 2010; Thovoethin, 2010, p. 40). The roles of political parties in a democratic setting amongst others include, providing the means through which the interests of the people are articulated and aggregated (Gunther & Diamond, 2001, p. 3). That is, they narrow down contesting and varied interests which if not brought to sizeable proportions can lead to crisis. Additionally, they provide the fulcrum for the recruitment of future leaders (Shuaib, 2019), as they provide the platform through which the electorates elect their representatives, "under a banner or symbol" (Olugbamiye, 2010, p. 19) at periodic intervals. Put differently and as being aptly captured by Scarrow and Webb (2017), political parties

... serve as key transmission channels for organizing representation, helping to translate popular demands into legislative initiatives, and acting as gatekeepers which determine which candidates have a chance of being elected. They often serve as vehicles for popular mobilization, and as actors with the capacity to selectively distribute resources and professional expertise; they can leverage all these assets to help politicians obtain and retain electoral offices(p. 1).

If taken along ideological inclination, political parties are presumed to be composed of people who shared the same belief and are expected to use the party platform for the actualization of their aims (the chance of being elected into public office) and that of party's interest (improving peoples' welfare). Indeed, intellectual discourse on good governance (in a democratic order) will be vague, without reference to the role of the party which provides the leadership that dictates the direction for state governance. Thus, political parties are to conduct internal selection of candidates who will wear the parties' toga before the electorates in a general election. This method is known and called 'party primaries' in Nigeria. It is therefore imperative to interrogate how political parties conduct their internal processes in the selection of would-be political office holders. One can reasonably conclude that parties' primaries, in a relative sense could be described as Intra-Party Democracy (IPD), can be classified as 'participatory' and 'deliberative' views of democracy (Bolin, Aylott, von dem Berge & Poguntke, 2017, p. 160). The inference from this is that parties' primaries are expected to be conducted in a free, open and fair manner so as to prove that their internal workings are democratic and a demonstration of their ability to nurture it. Since democracy is guided by laws, it is illogical for political parties to conduct their internal activities without recourse to the rules; one of the basic tenets of democracy.

The growth of modern democratic practice has been aided by political parties (Adebayo, 2006, p. 63). More so, they "constitute the arteries and veins ..." for liberal democracy (Thovoethin, 2010, p. 46). In view of this, political parties are expected conduct the selection of their candidates in a credible, open and fair manner (Fashagba, 2011, p. 6) since such an action is essential in today's modern democratic practice. This analogy is in tandem with Berge and Poguntke (2017) summation that political parties and IPD are "essential elements of popular sovereignty" (p. 137) and vital for the entrenchment of democracy in modern states. Thence, the extent to which political actors (politicians) adhere to democratic tenets in their actions, to a reasonable extent determine the quality of democratic growth and development (Muhammad, 2010, p. 24).

The Role of the Judiciary in Democracy

The Judiciary, as a functional institution in any political system be it democratic or otherwise, is primarily assigned the role of interpreting the letters of the constitution with a view to establish (if approached) the legality or otherwise of any action of the institution of the state, between or among state structures, between individuals and the state institution(s). But problems or contestations usually arise under a democratic dispensation as to the extent to which the judiciary or court should interfere in (purely) political matters. What readily comes to mind as per this paper, is the role of the courts in democratic contest, such as, political parties' primaries for the selection of the parties' flag-bearers.

Though, political party is not the only recognized ideal of a democratic order but as it has been argued elsewhere, democracy would be sort of its basic tenets as regards freedom of association, if political parties are not constitutionally permitted to operate. In addition, no one democratic state exists without a political party as available evidence showed that even state sanctioned political parties (for instance, communist party in Germany, Fascist party in Italy and elsewhere) give the impression of a party controlled by the people (even though it was a forced marriage and the ideology held by the absolute leader determines party's direction).

This leads us to the role of the judiciary in any political system (though emphasis is on a democratic system with specific reference to Nigeria). In the ideal sense, judicial review is expected to enjoy appeal because of statutory role of the courts to checkmate other arms of government recklessness, arbitrariness and absurdity. The widely accepted dictum is that absolute power corrupts absolutely. This antithetical trend to democracy, is without gainsaying, has reflected its trends among political parties in their internal workings (i.e 2018 political parties primaries for selecting party's flag-bearers) in preparation for the just concluded 2019 general elections.

The question arising from above is that, can we place political parties' internal workings outside judicial review if we accept the notion of inseparability of rule of law from democratic order? It can be argued that since rule of law is a melody for democracy, its (rule of law) existence must be felt by all individual, groups, bodies or institutions that owed their existence to democratic tenets. This of course incorporates political parties. Categorically stated, judicial review encompasses all rules that relates not only to the formal institutions of the state; executive and legislature, but also the informal structure or bodies functioning in any political system.

The jurisprudential issues surrounding the subject matter of political party primaries can be depicted from two distinct but interrelated themes. The first issue dwells on the nature of the relationship that exist between the party and members of the party on one hand, and the party and party members, and the judiciary on the other hand. Undoubtedly, the idea of rule of law, in theory and practice, should be of immense concern to analysts in discussing the role of the court in relation to democracy, with special focus on how political parties conduct their internal workings within the ambit of the 'rule of the game' idea

In relation to a political party, the power of the judiciary as an interpreter and protector of the constitution bestow on it the jurisprudential power to check perceived excesses (Alabi & Imam, 2014; p. 19), or arbitrary application of power by party executives or power-that-be within the party. To this end, judicial intervention in the exercise of one's position as an executive of a political party becomes a necessity if taken from the significance of the idea of rule of law as a precinct upon which democracy can be solidified, sustained or consolidated. This, relatively, confirms that rule of law is a cornerstone of limited government and a key liberal democratic discourse on governance at the threshold of the twenty-first century (Alabi & Imam, 2014; p. 19). One may be inclined to say, even the judiciary is obliged by law, it then follows to conclude that, no group or individual or institution should be given free hand to operate outside the confine of the law, when the interpreter (court/judiciary) is still subject to the law for its judgment delivery. Furthermore, the judiciary as a body is statutorily empowered to protect the right of the citizenry and uphold the dictates of the law of the land from encroachment by anybody or group. The objective of this is to promote the culture and values of democracy (Shuaib & Abdullahi, 2019, p. 149). The judiciary, being the last hope of the powerless mass of the population, "must be fearless and must not shirk its responsibility of maintaining the rule of law" (Egbewole, 2006, p. 233).

Case Studies and Courts' Decisions

Parties' primaries are essential political processes for electing party's flag-bearers for an election. In the case of Nigeria party primaries are held to elect or nominate candidates the party wish to sponsor for (i) local government elections; councillorship and chairmanship positions (ii) state constituencies, iii,

governorship (iv) federal constituencies (v) senatorial and (vi) presidential elections. As for this paper, concentration is on the governorship, national assembly and state assemblies primaries. The need for party primaries can be anchored on the need to provide a platform for party members to have a say in who represent the party in any election and as a democratic means of ensuring observance of the rule of law that places emphasis on equal rights and due process. It must be noted that the role of party members in the success of a party in an election cannot be under-estimated; they campaign, canvass and convince the electorates to have sympathy for their parties, serve as agent and in so doing can contribute either positively or negatively to the chances of the party.

The justification for judicial intervention in the political parties primaries can be welcomed from the conclusion drawn by Fagbadebo (2010, p. 18), from the manner in which state Assemblies were carrying out impeachment processes against their state Governors. He described their acts as “absurdities and flagrant breaches ...” of parties' constitution; be it Peoples Democratic Party (PDP) or All Progressive Congress (APC). The parties in these specific cases, Rivers, Zamfara, Ogun and Kano had to contend with litigations because in the opinion of some aspirants, their parties had discarded the clear and express working of their constitutions in the process of selecting party flag-bearers.

The Rivers state conflict started with the unresolved crises arising from the APC Congresses for the election of state executives. The conflict was a battle for control between Rotimi Ameachi and Magnus Abe factions of the party which eventually led to the nullification of the direct and indirect primaries conducted by the two factions of the APC in the state. A Federal High Court sitting in Port Harcourt, Rivers State, in its judgment restrained the Independent National Electoral Commission (INEC) from recognizing Tonye Cole, Magnus Abe and other candidates of the APC in the 2019 governorship election in the state (Sahara Reporters, 2019; Silas, 2019). The presiding judge, Justice Kolawole Omotosho declared that the indirect primaries that produced Tonye Cole was conducted against a court order. And that since the National Executive Committee of APC did not participate and supervise the direct primaries that produced Magnus Abe as the Rivers APC governorship candidate, the court has no option than to set aside the said primaries. The Supreme Court finally nailed the cases as it declared and upheld the order of a Federal High Court, sitting in Port Harcourt, nullifying the APC primaries in Rivers State (Ogundele, 2019). The apex court held that the primaries were conducted in disobedience to the order of the Federal High Court sitting in Port Harcourt, Rivers State which barred the party from conducting congresses pending the determination of a suit filed by 22 aggrieved members of the party (Ogundele, 2019). With this judgment, the APC was statutorily barred from sponsoring any candidates for the 2019 general election apart from the Presidential election.

The case of Zamfara state is different as the APC was dealt with by the Supreme Court which ruled that party's candidates for the 2019 elections were gate crashers having failed to conduct valid primaries and nullified their victories. Justice Paul Galinji, who delivered the lead judgment declared “that all votes cast for the APC in the elections amounted to wasted votes and efforts” (APC loses Zamfara as Supreme Court voids victory for all seats, 2019). Citing the reasons for its judgment, the panel unanimous decision was that the party primaries conducted by the Zamfara APC contravened the party's Constitution, the Electoral Act and the 1999 Constitution (APC loses Zamfara as Supreme Court voids victory for all seats, 2019). Though the trouble for the APC started when INEC stated that the party failed to meet up with the deadline for submission of its candidates (Alechenu, & Akinkuotu, 2018), the hammer that eventually brought the party on its knees was instituted by some aggrieved members of the party led by Senator Kabiru Marafa. Prior to that, the National Working Committee (NWC) of the party cancelled the primaries on the recommendation of the Prof. Abubakar Faki led panel. The committee justified its decision on alleged and proved cases of election malpractices, such as snatching of election materials and result sheets by the State's government officials. (APC cancels Zamfara governorship primary, 2018). While reiterating its resolve to conduct free, fair and transparent primaries across the country, the party promised to announce a new date for the primaries soonest (APC cancels Zamfara governorship primary, 2018). The primaries did not hold after it was rescheduled because of the

irreconcilable differences between the state government-backed aspirant Alhaji Mukhtar Shehu Idris and the other eight aspirants known as group 8 on the other hand (Shehu Umar, 2018)). Meanwhile, the party chairman in the state had in an advertisement declared the state government-backed Alhaji Mukhtar Shehu Idris as the winner having polled 310,380 votes (Shehu Umar, 2018)),

The faction led by the Governor of the State, approached the court to challenge the stance of INEC on the non-recognition of its candidates for the election on the premise of late submission of its lists. The contention of the Governor's faction is that the APC conducted valid primaries (Orbih, 2019). According to Orbih (2019), Section 87(1) of the Electoral Act, 2010 (as amended), provides as follows: 87(1) "A political party seeking to nominate candidates for elections under this Act shall hold primaries for aspirants to all elective positions". He stated further that

Section 87(2), (3), (4), (5), (6), (7), (8) and (9) make elaborate provisions for procedure that must be adopted by political parties who intend to hold primaries. Failure to comply with these provisions as well as the regulations of the political parties themselves would lead to nullification of the purported primaries. It is to be noted that the consequence of the nullified primaries by the court is that those primaries did not take place since they have been voided ab initio by Order of Court. (Orbih, 2019).

The acts of impunity and lack of internal democracy exhibited by the APC has been condemned by the Supreme Court in very strong terms (Orbih, 2019). Justice Okoro, (JSC), had in a case avers that the: Courts do not run the affairs of political parties. However, courts will not allow a political party to run its affairs with impunity and in total disregard of its own constitution and or statutes. In other words, courts will never allow a political party to act arbitrarily or as it likes. So, political parties must obey their own constitution because the constitution is the organic instrument, which confers powers and also creates rights and limitations in the party (Orbih, 2019).

The contest in Ogun state revolves around who was the authentic candidate of the Peoples Democratic Party for the Governorship in the state. At the centre of the imbroglio were Hon. Ladi Adebute and Senator Buruji Kashamu. The PDP National Publicity Secretary, Kola Ologbondiyan, was quoted to have stated during a media briefing in Abuja that Adebute's name was duly and statutorily submitted to INEC having won the governorship primary conducted by the party's National Working Committee, which is duly empowered by law to conduct such a primary. He also pointed out that the party has not substituted Adebute's nomination with another person's name (Nwogu, 2019).

The crisis in Kano concerns the PDP whose primaries that produced Abba Kabir Yusuf as the party's governorship candidate in the state was nullified five days to the governorship elections by a Federal High Court in Kano, Kano State (Odogwu, 2019). The nullification followed a suit filed by Alhaji Ibrahim Ali -Amin an aspirant for the party's governorship primary, who challenged his disqualification and the legitimacy of the process which produced Abba Kabir Yusuf (Nwogu, 2019). Delivering his judgment, Justice Lewis Alagua declared null and void the purported disqualification of Alhaji Ibrahim Ali-Amin. The judge noted that the plaintiff had purchased the nomination and pointed out that depriving him of the right to participate in the primary amounted to contravention of the provisions of the Electoral Act. He ordered that another primaries should be conducted before the governorship poll (Nwogu, 2019).

One is tempted to conclude that internal party democracy viz-a -viz rule of law is a part of democratic culture that would help to eradicate the culture of arbitrary use of power and promotes adherence to civic order, safeguard of party members' rights in party affairs, most especially, selection of party candidates for elective offices, equal opportunity and fair play ground for all contestants.

Though, the current dispensation is the longest uninterrupted democratic experience for the country, the threat arising from absence of internal democracy must be tamed and recourse to the courts by the aggrieved party members is highly commended as it has proved their faith in the ability of the judiciary to dispense justice. But the courts as it has been suggested by Alabi and Imam (2014) must be cautious of

its interference into the 'miasma of the political cauldron', so as not have its garment of impartiality seriously bloodied (p. 28). The justification for judicial intervention in the political process lies in ensuring compliance with the rule of law and the need to protect the citizens against reckless use and/or abuse of political power (Alabi & Imam, 2014, p. 28).

Conclusion

The Judiciary being the last hope of the common man or the aggrieved is expected to be fearless in the discharge of its arbiter role. Doing this ensures that justice, equity and fair play is espoused and follows that the rules of the game is not thrown into the wind. This is because, any political player who is conscious of the intervention of the Judiciary (when approached) will caution itself and be 'a rule compliant competitor'. Likewise, a political party is expected to, at all times conduct its affairs in line with the agreed 'conduct guidance' principle, in the interest of the party, democracy and the nation at large. The caveat is that the supremacy of the constitution is a democratic norm with a premium value and applying this dictum, without exemption, to any individual, group or body/institution is an omen for sanity, peace, equality and tranquility. Indeed, it is a 'safety net' for Nigerian democratic sustenance. In view of the fact that the attainment of the rule of law is unrealizable without the judiciary, this paper appreciates the current role of the courts and believed that party primaries is an internal affairs of the political parties. However, the courts must be cautious whenever judicial intervention is required in order to sustain and consolidate Nigeria's fourth republic. What should be of paramount attention is how to ensure the court is not infiltrated by anti-democratic forces, be it personal inclinations, from outside or within the judiciary. Above involves corruption and/or undue interference by the power-that-be to influence the judiciary towards miscarriage of justice.

Finally, the role of political parties in the consolidation of democracy in Nigeria cannot be underestimated because politicking by political parties in their internal affairs can either contribute positively or negatively towards deepening the democratic space.

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