

The Implications of Incessant Political Defections by Nigerian Legislators on the Country's Democracy and the urgent need to address it

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INTRODUCTION

Political parties represent a vital element of the contemporary democratic tradition. This is so because in the absence of political parties, democratic rule would be practically impossible (Danjibo & Ashindorbe 2018). However, the alarming rate at which political parties now witness defections of elected members from one party to another appears to have become a norm in party politics in Nigeria. Although it is not novel to Nigeria. Akpambang & Akpambang (2020) posit that, politics of defection in the country can be traced down to 1951, when some members of the defunct National Council of Nigeria and Cameroons (NCNC) cross defected to the Action Group (AG) to enable Chief Obafemi Awolowo to become the Premier of the Western. Nonetheless, the current trend of defection of elected legislators in recent time has become very worrisome and could impose serious implications for our nascent democracy (Katherine, 2016).

Many may be of the view that it is one of the major phenomena that can inhibit the growth of any given democracy. This is because political parties cannot function without members and when members move too often from one political party to another, it may limit the political party from functioning effectively.

Recognizing the danger of this, the 1999 Constitution of the Federal Republic of Nigeria (as amended) provided for a legal framework upon which political party defection can occur. This is in a bid to curtail cross-carpeting and maintain some form of sanity in our polity. However, this Constitutional provision is inadequate and has not achieved much in that regard. This is because the constitutional provision is inadequate on the basis for which it permits defection from elected office holders can be self-induced to give grounds for defection. It is noteworthy that section 131(e) of the 1999 Constitution (as amended) provides that a political party is the only vehicle for

which any candidate can contest an election. This work therefore aims at advancing better strategies that will help in curbing the current incessant political defections by elected political office holders in the country.

LITERATURE REVIEW

Political party defection in Nigeria has been the order of the day for political leaders with such actions on the rise. Although, these acts can be traced back to history, its pronouncement in recent times has been the talk of shows with different political leaders swinging from one party to the other for interest protection and ambition. Thus, political party defection can be defined as the exodus of political party member(s) to other political party(s) due to discontentment of existing party policies and programmes or in the interest of their political future (Eme & Ogbochie, 2014). This is the switching of party allegiance or political parties swapping or jumping from one party to the other (Lawrence, 2017). Political party defection as explained by Nuhu (2021) entails the cross carpeting of legislative members from one political party to the other in which different countries have unique models of operations with the Nigerian model classified as party hopping of its own class where members of the executive or legislative arm elected on one political platform switches allegiance

to the next party in the next election. Similarly, Gabriel (2018) described political party defection as the abandonment of one's association, joining of opposition or ruling group or party above the issue of political ideology, manifesto or program and party management.

Political parties in Nigeria are classified as platforms for the protection of interest of the principal defectors rather than the protection of political party ideology. In support, Nuhu (2021) affiliated such defection to factors such as lack of internal democracy, lack of national interest and lack of ideology. These defectors are usually considered as political prostitutes who do not have political principle, conscience, morality and lack the political ideology to should the course of the society's wellbeing for the country's political development (Eme & Ogbochie, 2014). Additionally, Malthora, (2005), Aziken, (2009) Mba (2011) and Aleyomi (2013) attributed political defection to trend of persona clash, divergent views, power tussles, division and crisis within the party, party's issues disagreement on position, one's person political ambition, renegeing on political party issues such as rotational power sharing.

Political party defection has its diring consequences on the economy of the country. Incessant defection by politicians

evidently showed the lack of political philosophy and integrity by Nigerian politicians which results into loss of confidence by people in the country's political process as many politicians consider political parties simply as a medium for selfish realization of political gains and ambitions (Akpambang & Oniyinde, 2020). According to Danjibo and Ashindorbe (2018), political party defection has brought about worried within the corrosive chemistry of the national assembly as this has diverted the attention of politicians from their core mandate thereby affecting the democratic institutional strengthening in the country and as such resulting into deviation of attention from urgent national issues.

METHODOLOGY

The research adopt a desktop research methodology, which allows for information to be obtained existing research materials such as books, journals, newspapers, relevant internet sources, conference proceedings as well as theses. The data were subjected to substantive and extensive analysis through the instrumentality of content validity, content analysis and textual criticism to establish facts that defend or refute the hypothesis. With content validity, data collected reflect the issue under research and ensure that key related subjects are not excluded. The

content analysis examined the presence of words or phrases in a text in order to identify the specified characteristics of messages and to make meaning of them. With textual criticism, literature works were verified and synthesized to determine their originality and authenticity.

POLITICAL DEFECTIONS AND ITS IMPLICATIONS ON NIGERIA'S POLITY

As earlier pointed out, incessant defections by politicians clearly reveals that there is a problem in our political party formation and management processes, which could be traced to clear lack of political party ideology and philosophy, thereby affecting the integrity of the Nigerian politician. This is capable of making citizens to lose confidence in the political process, with a perception that many politicians consider political parties merely as a vehicle for realizing their selfish political gains and ambitions, therefore, only use the (electorate) votes in achieving that. This belief is further strengthened by the fact that elected decampers take along with them the offices, positions or portfolios they occupied by virtue of their previous political parties mandates. This can also be seen as robbing the political parties of their victories or seats which were won at the polls. Some scholars have posited that certain factors are responsible for the

continuous political defections in Nigeria. They include; lack of party discipline, dearth of political ideology, lingering disagreements between and among members as well as the desire of mostly the political elites to make quick money (Badejo & Obah-Akpowoghaha, 2015).

The 1999 Constitution (as amended) expressly advanced anti-defection provision in sections 68(1)(g) and 109(g) so as to deter elected legislators from engaging in such. It states as follows; *“A member of the Senate or of the House of Representatives shall vacate his seat in the House of which he is a member if – being a person 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 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 of a merger of two or more political parties or factions by one of which he was previously sponsored”* (LFN, 1999).

In spite the above provision of the 1999 Constitution (as amended) in section 68(1)(g), the law in section 68(2) makes the provisions of section 68(1)(g) difficult to take effect by stating thus; *“The President of the Senate or the Speaker of the House of Representatives, as the case may be, shall*

give effect to the provisions of subsection (1) of this section, so however that the President of the Senate or the Speaker of the House of Representatives or a member shall first present evidence satisfactory to the House concerned that any of the provisions of that subsection has become applicable in respect of that member” (LFN, 1999). This clause gave rise to the incessant defections of legislators as it provides an opening for easy defection.

From the foregoing provisions of the law [section 68(1)(g) and (2)], three issues of concern arise; one, that the use of the phrase *“as a result of a division in the political party”* in section 68(1)(g) is suggestive of encouraging defections rather than controlling it. Furthermore with the phrase, politicians have easily exploited it by creating imaginary divisions themselves and using it as a yardstick for defection, without presenting evidence showing that they have exploited every party crisis resolution mechanism to the leadership of either chambers; and two, it is impossible for the leaders of the various houses (Senate and House of Representatives) to declare the seats of defecting legislators vacant. The reason for this is because, defections in Nigeria are always from the opposition to the ruling party therefore, mandating the leaders of the various houses, who themselves are members of the ruling party

to declare the seats of their new “*converts*” vacant will be difficult, if not impossible.

On the basis of this therefore, it is important to introduce better and stricter measures that will help in the control of elected legislators’ defections in the country, just as it obtains in some other countries. The aim is not to prohibit defections but to control and ensure that elected legislators do not incessantly defect from one party to another as witnessed in recent times. According to Jinadu, (2014), in India, a seat is declared vacant if an elected member joins another political party after the end of 6 months and can stand disqualified from serving in parliament for withdrawing membership of his original political party, with or without reasons. In Namibia, Nepal and Singapore, the anti-defection clauses punish defectors by requiring them to give up their seats in the parliament upon notification from the political party that the lawmaker has either abandoned the party or was expelled and/or resigned from the party on whose platform he was elected to the parliament (LFN, 1999). In Israel, the anti-defection provisions defer the penalty for unlawful defection until the next election where the defector would be debarred from contesting in an election to enter the next parliament. It might help curtail this trend since the existing ones have not achieved much.

CONCLUSION

With the return of Nigeria to democracy in 1999, great hopes of democratic dividends were ushered. This is because the return to democracy, after years of military dictatorship, afforded the country the opportunity to launch a new democratic strategy amongst which includes emergence of a multi-party democracy.

However, the increasing rate of defections from one party to another by elected legislators has continued to generate divergent opinions as to its implications on our emerging democracy. This trend has been described by many as the bane of our democratic process and therefore, there is a dire need to control it in order to protect the sanctity of our democratic process.

RECOMMENDATIONS

1. Section 68(1) of the Constitution should be amended to insert a sub-clause (h) to mandate that, any defecting legislator based on clause (1)(g) shall provide evidence of having exhausted all party resolution mechanisms to the Senate President or the Speaker, as the case may be;
2. Sub-clause (i) should also be inserted to read thus; 68(1)(i) “*once an elected legislator defects to another political party, h/she shall automatically loose h/she seat*”; and
3. In the case of a vacant seat in the legislature, the political party involved shall

automatically present the second runner up in the party primaries to the Election Management Body (EMB) to be issued with a certificate of return. But where a political party adopted consensus candidature, the EMB shall conduct fresh election in the affected constituency for the vacant position.

REFERENCES

- [1] Danjibo, N. & Ashindorbe, K. (2018). The Evolution and Pattern of Political Party Formation and the Search for National Integration in Nigeria. *Brazilian Journal of African Studies*. Vol. 3(5) p.87.
- [2] Akpambang, E. M. & C, O. A. (2020). Political Party Defections by Elected Officers in Nigeria: Nuisance or Catalyst for Democratic Reforms? *International Journal of Research in Humanities and Social Studies*. Vol. 7, (2), PP 11-23. Retrieved from <http://ijrhss.org/papers/v7-i2/2.pdf> .
- [3] Katherine B, (2016). Recent Political Defections Not Good For Nigeria's Democracy. <https://www.naija.ng/303511-political-defections-nigeria.html#303511>.
- [4] Badejo, B. T. & Obah-Akpowoghaha, N. G. (2015). the Impact of Cross Carpeting and Multiplicity of Political Parties in Nigerian Democratic Process. <https://www.academicjournals.org/journal/JASD/article-full-text/99E1DB054222>.
- [5] Section 68(1)(g) of the 1999 Constitution, LFN.
- [6] Section 68(2) of the 1999 Constitution, LFN.
- [7] Jinadu, A. (2014). Political parties and democracy in Nigeria. In Olu Obafemi, Sam Egwu, Okechukwu Ibeanu and Jibrin Ibrahim (Eds), *Political Parties and Democracy in Nigeria*. Kuru: National Institute for Policy and Strategic Studies (NIPSS).
- [8] Section 48(1) of the Namibian Constitution; Section 49(1) of the Nepali Constitution; and Section 46 of the Constitution of Singapore.
- [9] 12th Amendment to the Basic Law on the Knesset, cited in Csaba Nikolenyi, "Constitutional Sources of Party Cohesion: Anti-Defection Laws around the World." A Paper presented at the Oslo-Rome Workshop on Democracy, November 7-9, 2011, pp.11-12.
- [10] Akpambang, E. M. & Oniyinde, O. A. (2020). Political Party Defections by Elected Officers in Nigeria: Nuisance or Catalyst for Democratic Reforms. *International Journal of Research in Humanities and Social Studies*, 7(2), 11-23.
- [11] Aleyomi, M. B. (2013). Election and Politics of Party Defection in Nigeria: A Clue Kogi State. *Covenant University*

Journal of Politics and International Affairs (CUJPIA), 1(1), 72-84.

[12] Danjibo, N. & Ashindorbe, K. (2018). The Evolution and Pattern of Political Party Formation and the Search for National Integration in Nigeria. *Brazilian Journal of African Studies*, 3(5), 87-101.

[13] Eme, O. I. & Ogbochie, A. (2014). The legal/constitution basis of political party defection in Nigeria. *Kuwait Chapter of Arabian Journal of Business and Management Review*, 3(11), 19-34.

[14] Gabriel, C. (2018, August 11). Political Defections: In whose interest?

Vanguard. Available at <https://www.vanguardngr.com/2018/08/political-defections-in-whose-interest/>.

[15] Malthora, G.C. (2005). *Anti-defection Law in India and the Commonwealth*. New Delhi: Metropolitan Book Co Pvt. Ltd.

[16] Mbah, P. (2011). Party Defection and Democratic Consolidation in Nigeria, 1999-2009 *Afro-Asian Journal of Social Sciences*, 2(2), 3-15.

[17] Nuhu, K. I. (2021). The Legal Implication of Political Defection on Nigeria's Democracy. *Sriwijaya Law Review*, 5(2), 247-261.

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