

DEFLECTIONS IN POLITICAL PARTIES AND ITS IMPLICATIONS FOR STABILITY OF DEMOCRACY

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ABSTRACT

In the majority of democracies, political party defections have been a frequent occurrence. This might be because people and their societies are dynamic. While there is no denying that democracies are becoming more and more popular around the world, their sustainability is a cause for concern. Defection of members, which most frequently occurs on the eve of elections, has been named as one of the risks to democracy. This lends support to the claim that politicians' affiliation with political parties is motivated more by self-interest than by ideological principles. This essay aims to examine the problem of party desertion and how it affects the stability of democracy. In order to accomplish this, the research adopts the doctrinal research methodology, which takes into account the Nigerian legal frameworks regarding the right of members of political parties to defect from one political party to the other as well as the consequences to the office of the defector under the law. The case law in which judicial pronouncements were made by the *judex* in the cause of interpreting constitutional or statutory provisions governing political party desertion were also considered at and analyzed.

Keywords: Party Defections, Political Parties, Politics, Stability and Democracy

INTRODUCTION

Political parties are necessary for a democratic society to function. Political parties are, in fact, essential for advancing democracy. It is also common knowledge that political parties are driven or ought to be driven by ideology and it is political ideology that ought to attract membership to the parties. Defections are most likely to occur when party members perceive a shift away from the philosophy that initially drew them to the organization. It may not be totally accurate, however, to say that defections from the political party or group is orchestrated by ideological shifts in the political party given the Nigeria experiment. Legal frameworks exist that regulate the right of members of political parties to change their membership, the circumstances and consequences of such changed of membership. This essay discusses political party desertion, its reasons, and its implications for Nigerian democracy. This paper is structured in the aforementioned manner. The first section covers themes including "political party," "defection," and "democracy." The following section looks back at political defection in Nigeria, the causes and effects. A comparative analysis of political defection in the UK and its impact was also considered. The paper concluded and made recommendations for how to deal with the political instability that are incidental to defection.

MEANING OF POLITICAL PARTY

A political party is viewed as a group of like-minded individuals who bond together to influence politics and win electionsⁱ. It is also considered to be a grouping of male and female political ideologists. From a different angle, a political party is viewed as a collection of people who have bonded together to gain and use political influence.ⁱⁱ Therefore, a political party is defined precisely and comprehensively by the Constitution,ⁱⁱⁱ as adopted by the court in the case of *National Conscience Party v. National Assembly of the Federal Republic of Nigeria*^{iv} is that a political party to mean ;

Any organization whose operations include soliciting votes for a candidate running for president, vice president, governor, deputy governor, member of a legislative house, or local government council.

The conclusion is that individuals with similar, if not identical, political philosophies and ideas produce political organizations that have a strong desire to acquire and exercise political power. It shows that while having diverse opinions and interests, these like-minded individuals engaged in comparable battles and programs with inclination to succeed in gaining power. Political parties are therefore frequently founded on an articulated ideology or vision supported by a written platform with specific objectives, forming a coalition among divergent interests, with a strong desire to protect the interests of their members upon victory and not let them down by defecting to another party of interest^v. Defection is described as switching sides in a political party or nation.^{vi} It denotes the desertion of a person or cause, the forsaking of a person or obligation, in the version of the Black's Law Dictionary.^{vii}

NIGERIA POLITICAL DEFECTION IN RETROSPECT

The first defection was documented in Nigeria in 1951 at the Western Regional House of Assembly. A total of twenty Yoruba-nationalist members of the Western House of Assembly who were all elected on the platform of the Igbo-dominated^{viii} National Council of Nigerians and the Cameroons (NCNC) were persuaded to defect to the Action Group by Chief Obafemi Awolowo (AG). As a result, those individuals left the party and joined the Action Group (AG), which was a Yoruba-dominated organization, thus robbing Chief Nnamdi Azikiwe of the chance to become the premier of the Western Region. Today's Nigerian leaders, however, appear to defect for reasons other than ethnic emotion. These may include unbridled thirst for power and material resources.

Sen (Mrs) Uche Ekwunife, a politician from Nigeria, was named as the culprit in this political disease afflicting our fledgling democracy. Sen. (Mrs.) Uche Ekwunife joined four separate political parties^{ix} between 2007 and 2015, according to public records.

One of the more remote reasons of the Ondo State post-election conflict in 1983 was Chief Akin Omoboriowo's defection from the Unity Party of Nigeria (UPN), where he served as ^x deputy governor. He later ran for governor of Ondo State as the NPN's candidate. Similar to this, numerous political gladiators left their previous parties to found and register new ones based on the smallest disagreement. Alhaji Abubakar Rumi, who left his Peoples' Redemption

Party (PRP) and contested for office under the Nigeria People's Party (NPP), and Alhaji Waziri Ibrahim, who founded ^{xi} the Great Nigeria Peoples Party (GNPP) to leave the NPP due to disagreements^{xii} over the "post of the Party Chairman and Presidential candidate," according to reports, were two examples.

To provide a comprehensive understanding of the words and their implications, conceptual examination of defection and democracy is important in this study. As it is known by various names, including "Decamping," "Cross Carpeting," "Party Hopping," "Party Switching," "Party Crossover," and "Canoe Jumping," ^{xiii} the term "defection" in relation to politics has come to have various meanings and connotations. The act of switching political parties, shifting allegiances, or switching from one party to another^{xiv} is what is meant by this definition. It has also been described as the act of leaving one's organization or party in order to join the opposition or ruling group or party due to disagreements with the group's political ideology, manifesto, or program, or with the way the party is run.^{xv} Members of the Labour, Conservative, and Liberal Democrat parties frequently transfer parties as described in the United Kingdom, doing so whenever it suits them. The term "carpet crossing" in the Nigerian context refers to a circumstance in which a member of the legislature (or executive) elected on the platform of one party changes his political allegiance before the next general election. In the Nigerian model, "party hopping" is a category unto itself.

Leaving one political party to join another is referred to by various names by different people. In this way, terms like "cross-carpeting," "party-switching," "floor-crossing," "party-hopping," "decamping," and "party-jumping" are used in the same sense as "party defection."^{xvi} It is said to have its roots in the British House of Commons, where a lawmaker's allegiance was switched when he crosses the floor and sat on the opposition side^{xvii}. According to Hoeane, a party defection is thought to have occurred when an elected political party representative within a legislative structure, such as a parliament, adopts a different political or policy perspective that is inherent to the concept in the political prospect of Nigerian compatible with that of the party or parties he or she represents.^{xviii} Party hopping was best understood by Dr. Udeuhele^{xix} as political nomadism. His choice of words was not intended to be disparaging; rather, it was done primarily to illustrate how the idea was poisonous to Nigeria's political future.

In the end, Omilusi's explanation of the idea of party defection is the clearest: "The term defection appears to have been derived, as the dictionary meaning suggests, from the Latin word *defectio*, 'indicating an act of abandonment of a person or a cause to which such person is bound by reason of allegiance or duty, or to which he has willfully attached himself.'" Similar to that, it denotes rebellion by an individual or group. Thus, the term "defection" refers to the act of giving up on or leaving a cause, a party, or a program. Thus, it contains elements of joining another as well as elements of letting go of one. A person is referred to as a defector if he leaves a cause, party, or program before the process is finished. Therefore, defection is the act of giving up or withdrawing one's loyalty or service.^{xx}

The first and most well-known party defection^{xxi} took place in 1951 at the Western Region House of Assembly, according to writers.

The historic "ship-jumping" episode in Nigeria occurred in 1951 when NCNC members were persuaded to join the Action Group (AG)^{xxii} on the floor of the Western Nigerian House of Assembly. The political power of the party in the house suffered a major decline as a result, and Nnamdi Azikiwe was forced to move his party's headquarters of operations to the Eastern Region, where it had previously been dominant.^{xxiii} This progress was met with a number of conflicts and personality problems up until the post-independent era. Notably, this led to animosity between the areas, which affected both their respective kinsmen as well as the two distinguished nationals, Chief Obafemi Awolowo and Dr. Nnamdi Azikiwe.^{xxiv} During the Fourth Republic, which is the most contentious, this fledgling political evolution grew through transitional politics and an interminable series of occurrences to become more endearing and nearly a political standard. The most well-known case in this country is that of Alhaji Atiku Abubakar, who switched from the PDP to the Action Congress in 2006 after losing a string of legal challenges against the PDP-led administration of Chief Olusegun Matthew Aremu Obasanjo.^{xxv} Since then, he has switched multiple times between political parties. Justice Walter Onnoghen praised the following in that case as well:

The 1999 Constitution makes no mention of the President or Vice President being dismissed from office if they switch to another political party. It is clear that the 1999 constitution duplicates the articles dealing

with the removal of the President and Vice President with regard to Governors and Deputy Governors.

The most recent defections of the incumbent governor of Ebonyi State,^{xxvi} Governor David Umahi, and his deputy, Eric Kelechi Igwe, as well as that of the serving member of the 9th Assembly, Senator Elisha Ishaku Abbo (representing Adamawa North Senatorial District), from the main opposition party, PDP, to the ruling APC with impunity, are both examples that do not appear to put an end to the country's defection saga.^{xxvii}

CAUSES OF POLITICAL DEFECTION

Lack of a clear party ideology, internal democracy, political witch-hunting, and a lack of patriotism are among the factors that have been highlighted as causing division among political parties in Nigeria. The minority's well-being was prioritized over the interests of the bulk of the starving population, among other concerns. Another component is the will to stick with or join the winning team.^{xxviii}

Due to an apparent crisis or disagreement within the party, five serving governors from the Peoples Democratic Party (PDP), which was in power at the time, defected to the APC on November 26, 2013. Soon after, 49 PDP House of Representatives members who were still in office switched to the APC. The division inside the PDP at the time also contributed to the cause.

PARTY DEFECTION UNDER THE 1999 CONSTITUTION

Sections 68(1)(g) and 109(1)(g) of the 1999 Constitution contain the clause addressing defection (g). Similar provisions are found in both sections, with the exception that the former applies to State Legislative Houses and the latter to Federal Legislative Houses. The provision of section 68(1)(g) shall be taken into consideration for the purposes of the analysis that will soon be conducted. It provides:

If any of the following occur: (g) a person whose election to the House was supported by a political party joins another political party before the

end of the term for which that House was elected; (h) a member of the Senate or the House of Representatives resigns from the body from which he or she was elected. Providing his affiliation with the latter political party is not the result of a split in the party he previously belonged to or a union of two or more political parties or factions by one of them;

Thus, 14 of the 24 members of the Plateau State House of Assembly, including the Speaker and his Deputy who switched from the PDP to the APC in 2010, had their seats declared vacant by the court in the case of *Hon. Michael Dapianlong & Ors v. Chief (Dr.) Joshua Chibi Dariye*,^{xxix} per Katsina Alu, JSC (as he then was). It is undeniable that 14 of the 24 members of the House have resigned their seats in accordance with Section 109(1)(g) of the same Constitution, Mahmud Muhammad, JSC (as he was then known) stated in concurring to the declaration. Eme and Ogbochie^{xxx} have praised the provisions of Sections 68(1)(g) and 109(1)(g) of the Constitution as a positive step in preventing legislators from indiscriminately switching parties. They contend that the aforementioned restrictions have a dual function, highlighting both the primacy of political parties and the need to prevent opportunistic politicians from ignoring the needs of the people by switching political parties. The Constitution of Nigeria implicitly recognizes two different types of party switching: (a) opportunistic party switching intended to bestow benefits or advantages on the switching candidate; and (b) party switching as a result of dissension within the switching candidate's political party. Opportunistic party switching, the first type, is banned and may result in disqualification. The second scenario—leaving a party after a split—is legal and typically has no impact on the legislator who is moving parties.

Interestingly, the regulation may appear to be sufficiently harsh to put an end to the threat of "cross carpeting" in the Legislative Houses.

In the case of *Hon. Ifedayo Sunday Abegunde v. The Ondo State House of Assembly*^{xxxi} the Supreme Court had the chance to evaluate the type of division that will warrant defection. In that instance, Hon. Ifedayo Sunday Abegunde, a House of Representatives member running on the Labor party ticket, switched to the Action Congress of Nigeria. The conflict in the state Labour party chapter was the cause of his defection. The case was heard by three courts, all of

which concluded that the division claimed did not have the characteristics necessary to support the defection. In its ruling, the Court of Appeal stated that "a community reading of sections 221, 222, and 229 of the Constitution as well as section 80 of the Electoral Act, clearly shows that, the division envisaged by section 68(1) of the Constitution refers to division in the party at the top or center, not a division at the State or Local Government level as contended by the appellant. The above judicial reasoning is in line with Oliver Wendel Holmes' idea of law, according to which the law is nothing more grandiose than predictions about what the courts will actually do.^{xxxii}

After examining the legal structure governing party defection in Nigeria, we'll look at the opinions of our courts in some of the few instances that have been resolved on the matter. The cases of *Attorney General of the Federation v. Atiku Abubakar*,^{xxxiii} where the court ruled that the Constitution's anti-defection provisions are in violation of the fundamental right to freedom of association, are the most significant to us. It is important to examine the breadth of the right in question before determining whether or not the anti-defection clauses in the Constitution violate the right to freedom of association. The first step is to reproduce the clause from section 40 of the 1999 Constitution. The Federal Republic of Nigeria's 1999 Constitution states that everyone has the right to freely assemble and associate with others, including the right to form or join any political party, trade union, or other association for the protection of their interests. However, the provisions of this section may not conflict with the authority granted by this Constitution to the Independent National Electoral Commission with respect to political gatherings. Section 40 should be read in conjunction with Section 45(1) of the 1999 Constitution, which states that nothing in Sections 37, 38, 39, 40, and 41 of this Constitution shall render unconstitutional any law that is reasonably justifiable in a democratic society (a) for purposes of defense, public safety, public order, public morality, or public health; or (b) for purposes of preserving the rights and freedom of others. The Supreme Court has held in simple but express terms in the case of *The Registered Trustee of National Association of Community Health Practitioner of Nigeria & Ors. v. Medical and Health Workers Union of Nigeria & Ors*^{xxxiv} that the provision in section 40 is not absolute. Similarly, the Court of Appeal in the case of *Akunwata Ogbogu Mbanefo v. Nwakibie Henry Molokwu & Ors*^{xxxv} Instructively, this right under section 40 is not absolute as it can be curtailed under a legislation or circumstance that is logically justifiable in any democratic society. This clarifies the non-absolute nature of

section 40. Therefore, a member of a political party who freely joins it and the party's rules governing its members' behavior (its constitution) restrict the member's ability to affiliate with another political party cannot claim that the party's command violates his constitutional right. See *Rimi v. P.R.P. (1908) 2 NCLR 763, and Aniekwe v. Okereke (1996) 6 NWLR (Pt.452) 60*. This is how a political party is positioned. Whether the judgment in Case No. FHC/ABJ/CS/920/2021 was properly rendered. The Federal High Court's decision to dismiss David Umahi, the governor of Ebonyi State, and Eric Kelechi Igwe, the state's deputy governor, for switching from the PDP to the APC has sparked intense debate and unease in Nigeria's political system and, it seems, caused some discomfort for many political office holders who are in Umahi's shoes. In November 2020, along with the state's deputy governor, Igwe, Umahi, who had been elected to a second term as governor of Ebonyi on the PDP platform in 2019, defected to the APC.^{xxxvi} The whole of 393,042 votes Governor Umahi received during the governor's election in Ebonyi state on March 9, 2019, according to the Federal High Court's ruling by Hon. Justice Inyang Ekwo, belonged to the PDP and could not legally be transferred to the APC. The court found that Umahi and his deputy both abandoned the PDP after switching to the APC, along with the votes that belonged to it. According to the results of the governorship election, the PDP and no other political party hold the offices of governor and deputy governor in the state of Ebonyi. No constitutional provision, according to the Court, "made the ballot transferrable from one party to the other." According to the report, the PDP and no other political party hold the offices of governor and deputy governor in Ebonyi State based on the results of the governorship election. "There is no constitutional provision that made the ballot transferrable from one party to the other," the Court asserts.^{xxxvii} The Court ruled that the Governor and his Deputy did not each independently win the election on November 9, 2019, to become the Governor and Deputy Governor of Ebonyi State. In accordance with Section 221 of the Federal Republic of Nigeria's 1999 Constitution, they were supported by the PDP (as amended). Therefore, the electorate chose the PDP, and the Constitution will be in a risk if candidates openly exploit the electorate's decision to support a certain political party without repercussions. The Independent National Electoral Commission (INEC) was ordered to immediately receive from the PDP names of candidates to replace Umahi and his deputy, or, in the alternative, to conduct a new gubernatorial election in Ebonyi State in accordance with Section 177(c) of the 1999 Constitution of the Federal Republic of Nigeria (as amended). As a result, the court ordered both Umahi and Igwe to resign from their

positions immediately (as amended). The Court additionally banned Umahi and Igwe from falsely representing themselves as the governor or deputy governor of Ebonyi State in the future. ^{xxxviii}

UNITED KINGDOM

Members of Parliament are not prohibited by law in the UK from switching parties. Members of the House of Commons or the House of Lords are so free to switch political parties at any moment. It is referred to as "crossing the floor." The phrase refers to the typical arrangement of opposition party lawmakers sitting on opposite sides of the chamber. In order to sit on the other side of the Chamber, a Member who switches parties typically needs to cross the House floor. The phrase is used to denote a change in loyalty. David Mckie stated the following when reporting on floor crossing in the UK: Clare Short, a Labour MP who was chosen by the residents of Birmingham Ladywood, 17 months ago, is no longer a member of that party. She will remain an independent member in this parliament. Some people believe that is incorrect. They argue that an MP who renounces the allegiance that was written on the ballot should be required to seek the people's support once more. In fact, some former MPs who changed parties did just that. However, the majority didn't. Peter Temple-Morris, Sean Woodward, and Alan Howarth, all Conservatives, did not follow suit when they left their party to join Labour. It is not required under the regulations. Additionally, the majority of switchers who did this would definitely lose. Only one of the 29 MPs who joined the SDP in the early 1980s was willing to give up his seat and run for re-election: Bruce Douglas-Mann of Mitcham and Morden. He was defeated. ^{xxxix} 120 members of parliament have left the party in the past, and most of them did so due to ideological disputes. As a result, Sir Francis Burdett, an opponent of slavery and a supporter of parliamentary and jail reforms, was elected as a Liberal in Westminster in 1835. Later, he switched parties. In the by-election two years later, ^{xl} he received the proper vote once more as a Tory.

IMPLICATIONS OF POLITICAL PARTY DEFECTIONS

In all democracies, political stability is indispensable. It is impossible to overstate the importance of political parties to democracy. Democracy is about the people's sovereignty; it has been said. In the last section, we noted that a political party is the association of individuals

who share a same ideology and work to seize power by legal methods with the ultimate intention of using that power for the benefit of society. As a result, it is anticipated that democracy will suffer wherever there is a lack of predictability and certainty in the political party's constituent parts of the polity. Therefore, political parties function as brokers of democratic stability. According to Sen. (Dr.) Ifeanyi Okowa,^{xli} the establishment of strong political parties with members who have a common interest and who remain loyal to the party due to its political ideology is necessary for democracy. The massive desertion that was seen in the political parties over the years was partly caused by the absence of this in our democracy. Defection threatens democracy in the long run by weakening political parties and lowering public confidence. As we pointed out, Chief Obafemi Awolowo's large NCNC defection to the Action Group in 1951 provided the basis for Nigeria's ethnic politics, which gravitated and eventually served as the basis for the deadly coups that took place there in 1966.^{xlii}

It has been argued that the Legislative Houses in Nigeria are the only bodies to which the legal repercussions of a defector losing a seat when he leaves the political party that sponsored him in the legislative house, apply. Those other elective offices including president, vice president, Governors, Deputy Governor are not included. The implication is that the president, vice president, Governors, Deputy Governor can switch political parties without facing the legal repercussions of losing their position.^{xliii} This portends instability in the polity

CONCLUSION

According to Section 40 of the Federal Republic of Nigeria's 1999 Constitution (as amended), citizens have a civil right to freely associate with political parties to further their interests. This is incidental to their right to freedom of association. However, the constitutional provision of non-discrimination does not include the right of citizens to associate freely. As a result, the state may impose restrictions to streamline the enjoyment of such rights when it interferes with Nigerians' political interests. This is done in the benefit of the entire country. Accordingly, where the exercise of those rights as it affects political interest of Nigerians, the state can impose conditions to streamline the exercise of such rights in the overall national interest. It is therefore, suggested that the provisions of s.68(1) of the constitution should be made to apply across board to include another elective political officer holder.

ENDNOTES

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