

MANAGING INTRA-PARTY CONFLICTS IN NIGERIA THROUGH MEDIATIVE-CONCILIATION APPROACHES

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Abstract

There is a growing interest among scholars and practitioners of alternative dispute resolution(ADR) mechanisms in their application to a wide range of social conflict situations and settings including intraparty. There is presently no legal framework in existence either by the 1999 Nigerian Constitution (as amended) or the Electoral Act 2022(as amended) obligating political parties to use any of the ADR processes to address their myriad of internal crises which invariably has left the court system as the chief arbiter and adjudicator of electoral and political disputes peaking with the conduct of party primaries for the nomination of candidates. Practically all the major political parties have witnessed one form of dysfunctional internal crisis or other since 1999 and there is no proven method for successfully resolving such disputes without leaving bitter outcomes among the disputants as supported by our literature. This qualitative exploratory paper aims to contribute to peacebuilding efforts of political parties as aggregators of interests using homegrown Electoral Alternative Dispute Resolution(EADR) approach known as mediative-conciliation to manage intra party disputes and conflicts in Nigeria. Primary data for the study was collected from information-rich participants' responses to unstructured questionnaire while secondary data was from documents and triangulated from other sources using the Electoral Justice System (EJS) as our theoretical framework. Our findings reveal an urgent need to main stream EADR into the electoral law, the constitutions, and operations of the political parties. A key recommendation is for a reform of the electoral legal framework mandating EADR in the Electoral Act and combined with the current Multi-Door Courthouse mechanisms into the structure, organisation, and operations of political parties going forward.

Key words: courthouse, disputes, mediative-conciliation, parties, resolution.

Introduction

Political parties provide the main means for putting people into elected offices in a democracy. According to Duverger (1964; 2021) a political party is a group of persons with shared ideas on how to acquire and exercise political power, whether by democratic elections or by revolution. Section 229 of the 1999 Nigerian Constitution (as amended), and section 152 of the Electoral Act 2022 (as amended) define a political party to include "any association of persons whose activities include canvassing for votes in support of a candidate for election to the office of the President, Vice President, Governor, Deputy

Governor, or membership of a legislative house or of a local government or Area Council, and registered with the Independent National Electoral Commission (INEC)". Political parties in Nigeria are bodies corporate under the Electoral Act 2010, S. 80, and thus can sue and be sued in their respective name.

Political parties frequently experience intra party disputes which could escalate to serious situations, such as inter-ethnic conflicts in Nigeria (Okolo & Etekpe, 2011). In this regard, political leaders (politicians) mostly romance with armed groups, particularly during elections (Allen & Okolo, 2018). According to Yahaya and Ibrahim (2015) what manifests as intraparty conflict begins when two or more members of the same political party are locked in disagreement or differences in the pursuit of incompatible or competitive goals (Yahaya & Ibrahim, 2015; Momoh, 2015). Many of the disagreements end up in litigation whose win-lose outcomes do not promote internal party democracy consequently leading to a multiplicity of political parties that further constrain the political space (Nnamani, 2018; Ikedinma, 2029).

There is presently no obligation on the parties to adopt an alternative dispute resolution (ADR) mechanism for managing intraparty disputes and conflicts. The Arbitration and Mediation Act 2023 has provided the necessary legal framework for domestic civil mediation which political parties can adopt and integrate into their constitutions and operations. Mediative-Conciliation or Med-Con for short is an indigenous private and consensual toolkit within the spectrum of ADR mechanisms developed by Anago (2000) that can be deployed for resolving disputes, including internal political party disputes, and which method can be legally provided as part of the electoral justice system (EJS) of Nigeria according to International IDEA (2010). The focus of this paper is not on the origin, causes, types, or impact of internal political party conflicts as some of them are without doubt of benefit to the dynamic growth and development of democratic governance in Nigeria. It has been argued for instance that the split in the Peoples Democratic Party (PDP) in 2014 led to the first ever electoral victory of an erstwhile opposition party into power at the federal level (Yahaya & Ibrahim 2015). While intra-party conflict can be both constructive and destructive in nature as noted by scholars, the latter dimension, and its potential for destabilisation of the polity is the focus of this work. Intra-party conflicts continue to characterise General elections in Nigeria, which in most cases degenerates to electoral violence (Obiora & Chiamogu, 2020; Okolo & Itu, 2022).

There is a problem of effectively managing intra political party crises and conflicts that are dysfunctional, and destructive of the Nigerian democratic electoral process reminiscent of pre-1966 situation. Both the constitution and the substantive operative law governing the conduct of elections have established that elections to the specified public offices can only be through membership and sponsorship of political parties. This has contributed to patron-clientele syndrome in the political space (Okolo, et al, 2014). The 1999 Nigerian Constitution (as amended) and the Electoral Act 2023 (as amended) provide the legal framework for the formation, registration, existence, and operations of political parties in Nigeria but none of them has provided an obligatory framework for the amicable settlement of intraparty disputes and conflicts, in other to avert issues of electoral violence in Nigeria (Efebeh & Okolo, 2016). Cognizant of the past historical experiences with competitive party system in Nigeria, the framers of those documents did not attempt either by substantive legislation or subsidiary regulation to design a procedure for effectively resolving serious disputes inherent in internal party organization and operations.

The Arbitration and Mediation Act 2023 (AMA 2023) provides in Section 67 (1) (c) and (e) for domestic civil mediation and in cases where the parties agree in writing that the provision should apply to the dispute. This legal framework provides the basis for our exploration of its application to the settlement of intra-party disputes and conflicts. Section 67 (3) of AMA 2023 further provides that the written

agreement between or among the disputants to submit to mediation can be made before or after a dispute has arisen as an obligation established by law or upon direction or suggestion of a court, arbitral tribunal, or competent government entity. There is presently no such obligation in any law for political parties to take their disputes for mediation. This gap has necessitated an exploratory study into mainstreaming electoral alternative dispute resolution (EADR) mechanism into the Nigerian electoral process to manage intraparty conflicts and further promote party democracy.

The paper explores the use of mediative-conciliative EADR mechanism to address the gap within the framework of AMA 2023 and the Electoral Act 2022 (as amended). The purpose of this qualitative paper is to address the gap in designing a functionally constructive, consensual, peaceful, and practicable obligatory EADR solution for managing internal party conflicts, and which integrates with the electoral legal framework and justice system of Nigeria. This study is an attempt at social construction for solving an apparent and potential problem capable of undermining the integrity of the electoral process while also contributing to knowledge and scholarship in our electoral jurisprudence and administration of justice system. The paper is timely considering the lessons learnt from the conduct of the 2023 General Election and a further anticipation of legal reforms to strengthen the electoral process and internal party democracy. It is also hoped that policymakers, scholars, election management bodies, jurists, party members and functionaries, ADR practitioners and advocates peaceful elections will find the work useful in its constructive design as a response to the observed gap in our electoral jurisprudence and governance.

Conceptual Definitions

Political party: a lawful organisation of individuals recognised and registered by the Independent National Electoral Commission (INEC) and who put up candidates for elective public offices and campaign to win political power.

Conflict management: an intervention technique designed by the ruling political parties to limit the negative aspects of conflict while enhancing the beneficial positive aspects for all parties.

Intraparty Conflict: a severe dispute between members of the same political party who are pursuing opposing or incompatible objectives.

Electoral Legal Framework: The electoral provisions of the 1999 Nigerian Constitution (as amended); the Electoral Act 2022 (as amended) which is the substantive electoral law; case laws from judicial decisions on electoral matters; Regulations, guidelines, and manuals for the conduct of elections, voter registration, political parties, and similar subsidiary instruments made by INEC pursuant to its powers, are all included in the Nigerian electoral legal framework.

Electoral Alternative Dispute Resolution (EADR): an informal or semi-formal component of the formal Electoral Dispute Resolution (EDR) system focusing on non-court settlement of election-related political and civil disputes.

Electoral Justice System (EJS): the means and mechanisms available for securing compliance with the electoral process, protecting and restoring electoral rights, and providing opportunity for remedies where rights or laws have been breached.

Literature Review

Political parties in Nigeria have become characterized by intra-party disputes and conflicts right from the very first colonial-era political party – the Nigerian National Democratic Party (NNDP) through the decolonisation period to the present political parties existing now and operating under the 1999 Nigerian Constitution. While the colonial era political parties were focused on the struggle to achieve political independence from Great Britain, the immediate post-colonial political parties witnessed so

much intra party crises and conflicts that finally culminated in Nigeria's first military *coup d'etat* of January 15, 1966 (Kurfi, 2013).

INEC (2020) stated that 90 out of 91 registered political parties nominated candidates for elective positions at different levels in the 2019 General Election with over 809 recorded cases challenging the outcome of primaries in different parties). INEC (2020) asserted that when "intra-party conflicts/crisis arises, the Commission was sometimes invited to intervene and, in such instances, the Commission's Department responsible for ADR facilitated the resolution of such crisis". According to Nelson and Benson (2022), the present intra-party conflicts ravaging most of the political parties have created a tense atmosphere in the run-up to the 2023 General Election Act other times, party members particularly aspirants who lost out in the nomination process have headed to courts to litigate the disputes, sometimes against the express provisions of their party constitutions and guidelines. The judicial intervention in the internal governance matters of political parties have not helped the situation either ranging from "forum shopping" (practice of choosing favourable courts or jurisdictions) to conflicting pronouncements on similar set of facts, and questionable *ex parte* injunctive orders. According to Vanguard (2021) the latter situation recently compelled the Chief Justice of Nigeria to summon six states Chief Judges to explain their roles in granting conflicting order to political parties. Nigerian Bar Association-Section on Public Interest and Development Law[NBA-SPIDEL] (2021) decried the "bizarre nature" of these conflicting and contradictory court orders on political cases bothering on intra-party disputes affirming that while erring judges and lawyers can be disciplined, it is not so with the politicians who instigate the crises, and promote issues like political thuggery (Okolo, Agbai & Boubai, 2022). The frequent recourse of disputing parties to litigate internal differences is due largely to the absence of robust provisions in their structure and operations that promote collaborative relationships and peace-building efforts for effective conflict resolution.

According to M. Iwu (personal communication, September 6, 2021), INEC established an ADR unit in The Electoral Institute (the training, research, and documentation arm of INEC) to offer cost-effective and speedy electoral alternative dispute resolution services to political parties in recognition of the dysfunctional harm unresolved party crises and conflicts could do to the electoral process. M. Iwu (personal communication, 2021) further maintained that it was the specific intervention of the INEC ADR services in 2009 that enabled the then incumbent Governor of Anambra State to be on the ballot for the February 6, 2010, Governorship election and further midwived the idea of signing a binding "Peace Accord" brokered among the contesting political parties to enhance a peaceful election outcome. This ad hoc approach lacks the legal bite for enforceability and is binding only in honour as a "gentleman agreement". A formal structure for resolving intra-party disputes and conflicts legally provided as part of the electoral dispute resolution (EDR) process of the electoral justice system (EJS) is indicated, concluded M. Iwu (personal communication, 2021). Such a framework according to International IDEA (2010) promotes a political and civic culture and lawful democratic behaviour and will provide a balanced EJS which are often complemented by other informal or alternative mechanisms such as conciliation, mediation, and arbitration.

Yahaya and Ibrahim (2015) identified some of the causative factors that pose real danger to the democratization of the political party process but left a gap of formula or approach for resolving them definitively. Bello and Aminu (2009) stated that the fields to which ADR principles can be applied are never closed and these include political party disputes. Bello and Aminu (2009) acknowledged the imperfections of ADR practices to electoral disputes but maintained that the continued formal and informal political practices such as zoning of offices, rotation, and respect for the federal character

principle in the 1999 Constitution by political parties has created a compelling need or accommodating ADR mechanisms in their operations. Bello and Aminu (2009) did not specifically prescribe any model of ADR mechanisms for consideration by political parties or policymakers.

Maina (2021) submitted that Article 159(2) of Kenyan Constitution 2010 has mandated judicial authorities including courts and tribunals to be guided by the principles of alternative forms of dispute resolution including conciliation, mediation, arbitration, and traditional mechanisms. Kenya has provided us with a model of EADR which it implemented after the disputed elections of 2007 and 2013 through a legislative framework for pre-election administrative dispute resolution mechanism. The Kenyan electoral management body, Independent Electoral and Boundary Commission (IEBC) is empowered to settle all electoral disputes excluding election petitions and disputes after the declaration of result. According to Odote and Musumba (2016), the IEBC is required to establish Peace Committees at every constituency during an election with power to reconcile warring parties, mediate disputes and report suspected election malpractices to the Electoral Code of Conduct Committee for appropriate action. It is a common principle that when a statute establishes a dispute resolution procedure, then that procedure must be followed. Kenya Elections Act 2011 has provided for alternative modes of dispute resolution specific to the nomination process and the courts cannot entertain nomination disputes where such a process has not been invoked.

Obi (2018) asserted that while litigation remains as a system of resolving political party disputes, it has failed to deliver the needed justice nor facilitated reconciliation and internal party cohesion. Obi (2018) submitted that there is a need to pursue “an internal dispute management system that places emphasis on voluntariness, participation, relationships, reconciliation, compromise, and healing through a joint problem solving (JPS) framework” that includes mediation, conciliation, and negotiation as part of the ADR framework for resolving internal party disputes. Obi (2018) appraised the elaborate procedure for nominating electoral candidates and submitted that INEC should propose the inclusion of a dispute resolution clause in the constitutions of political parties that allows for use of one or more ADR mechanisms. This prescription leaves a void of certainty of design approach in the dispute resolution clause and mechanism for advocacy and policymaking.

Ihembe and Isike (2022) argue that the continued judicialisation of party primaries disputes without the benefit a consensual party-driven settlement process will not strengthen internal party democracy in the country. It is thus inevitable that a more workable and party-friendly alternative to litigation be provided and made obligatory in the electoral legal framework as noted by scholars and presently the case with Kenya. According to Kamande (2021) Kenya has fully integrated ADR into its electoral legal framework in both the constitution and the electoral law.

Theoretical and Methodological Underpin

Theoretical Framework

We have adopted the Electoral Justice System (EJS) as the framework of study for its relevance and connection with our method of inquiry, data collection, and data analytical methods employed in the paper. The concept of electoral justice according to IIDEA (2010) involves the means and mechanisms available in a specific country for securing compliance and enforcing the electoral legal framework. Inherent in the EJS framework is the alternative dispute resolution which provides an opportunity outside the formal court room for one or more parties to a conflict to initiate a process to resolve it, unilaterally, bilaterally, or through a third party using any of mediation, conciliation or arbitration or a combination in

place. The framework agrees with the Arbitration and Mediation Act 2023 which provides the statutory authority for the Med-Con conceptual framework.

Exploratory Methodological Approach

This paper adopts the exploratory research or formulative research aims to gather preliminary qualitative information that will help define problems and generate formal hypotheses for more precise investigation. According to Sakyi et al. (2020) exploratory research is conducted where the scope of the research is not known, and the topic of research is a fertile area which was discovered as literature gap. This research design employs a methodological strategy that looks at research questions that haven't been thoroughly examined before and when data is difficult to collect. Through exploration, the researcher can develop concepts more clearly in descriptive and explanatory terms. Data collection is through unstructured questionnaire responses to purposively sampled 10 information-rich participants and thematically analysed as part of an exploratory process design. The respondents with ADR knowledge and experience were drawn from INEC, National Assembly, political party leaders, judicial officers and legal practitioners and independently mailed the research questionnaire. Additional phone calls were made in some cases as follow up to clarify some responses. Secondary data from multiple sources, reports, journal articles were also analysed for corroboration and evidence.

Discussion and Findings

Mediative-Conciliation (Med-Con) Electoral Alternative Dispute Resolution framework

ADR mechanisms are generally consensual and involves the reference of a dispute to third party neutral to make findings of fact and decisions that bind the consenting parties in law (author's view). Med-Con is a hybrid mechanism from the ADR spectrum. According to Anago (personal communication, August 22, 2021) the concept of mediative-conciliation which he authored in 2000 is an amalgam of two similar methods that are common in ADR, that is mediation, and conciliation and having a certainty of successful outcome in dispute resolution application. According to Jackson (2011), proof of feasibility and international acceptability of mediative-conciliation (Med-Con) is in its successful deployment by the United States Department of Justice, where the Community Relations Service and Environmental Justice department uses the concept to deal with violent hate crimes, race tensions, religious crisis, and a range of social settings in communities affected by hurricane Katrina in 2005 and the Mexican Gulf oil spillage of 2010.

Anago (2017, April 24-28) [Paper presentation] stated that courts in Nigeria have been enjoined by the Chief Justice of Nigeria to promote "the use of ADR in amicable settlement of cases, including non-felonious crimes like common assault with the consent of the parties" as provided in Order 17, Rule 1, High Court of the Federal Capital Territory, Abuja (Civil Procedure Rules) 2004. Mediation and conciliation as ADR mechanisms use an impartial third party neutral to resolve the dispute. Anago (2017) explained that in mediation, the Mediator passively facilitates the reaching of settlement agreement by the parties which when signed by the disputing parties and witnessed by the Mediator can ground consent judgment by the court, while in conciliation, the Conciliator, unlike the Mediator, is an active participant in the dispute negotiation process, proposing possible solutions in order to arrive at an acceptable decision for all the parties involved. Mediation had no generally prescribed rules by law in Nigeria but the new AMA2023 has provided regulation for the commencement, appointment of a mediator, and conduct of mediation proceedings. The use of mediative-conciliation presupposes that the parties in dispute are willing to resolve the dispute amicably and the process can then be activated in accordance with the

signed agreement by the parties at the outset that they will first attempt the resolution of their dispute through mediation, failing which the neutral will conciliate by making an impartial binding decision.

Karim (2014) submitted that electoral disputes are amenable to ADR methods for their resolution as a new attitude and approach to strengthening the electoral integrity and proposed that ADR practitioners should be engaged in partisan politics to mainstream the adoption and application of ADR in the resolution of electoral disputes. Several states in Nigeria have established Multi-Door Court Houses in their bid to decongest the courts and offer speedy administration of justice to citizens. According to Ani (2014), the Lagos State Multi-Door Courthouse was the first court-connected ADR centre in Africa and offers several labelled doors of ADR mechanisms such as Mediation Door, Arbitration Door, and Hybrid Door among others for citizens access justice at subsidized cost. It can be possible therefore, for political party disputes to key into this opportunity if formally incorporated into the electoral legal framework.

Mediation according to Zartman (2000) is a traditional method of African conflict resolution that is relevant and efficacious in modern political societies. Intra-party conflicts are therefore amenable to mediation and by extension to conciliation which is also a third-party neutral intervention.

Applicability of Med-Con Mechanism to the Nigerian Electoral Legal Framework

Med-Con as a rule does not require a special legal procedure for its existence and operation. It is incorporated by the voluntary consent of the parties. This is its weakness because its bindingness and enforceability are dependent on the consent of the disputing parties. Ikpokonte (2018) submit that ADR can be an efficient mechanism in electoral dispute resolution (EDR) in Nigeria. Maina (2021) and Kamande (2021) establish that ADR has been fully mainstreamed into the Kenya electoral process as part of its electoral legal framework. Nigeria needs to do likewise with the enactment of the AMA 2023.

According to Egbunike-Umegbolu and Bajela (2022) the ADR strategy of looking at the interests of the parties rather than their positions holds more prospects for resolving the myriad of intraparty disputes in Nigeria. Obi (2018) proposed the incorporation of ADR framework for the management of both intra and interparty disputes through an enabling legislation by the National Assembly mandating for such disputes to first exhaust all ADR options before proceeding to court. To fully explain the application of Med-Con, let us briefly examine the two conceptual processes as part of Mediation and Conciliation.

Mediation. Section 91(1) of AMA 2023 defines mediation as a process, whether referred to by the expression mediation, conciliation or an expression of similar import, where the parties request a third person (the mediator) to assist in their attempt to reach an amicable settlement of their dispute arising out of or relating to a contractual or other legal relations but the mediator does not have the authority to impose upon the parties a solution to the dispute. Mediation is non-adjudicatory, voluntary, and flexible ADR process. According to Ojo (2023) the mediator is a facilitator who documents the viewpoints of the disputing parties with their underlying needs and interests to reach a settlement agreement. The AMA 2023 provides in Section 70 (3) that a party to a dispute can propose to the other party for a recourse to mediation regardless of all other judicial or arbitral proceedings, before, during or after the initiation of the judicial proceedings. Mediation process is party-driven and the parties according to the law are free to agree on applicable rules to the mediation process. The act is applicable to both domestic and international disputes and the final document known as the Settlement Agreement when signed by the disputing parties to the process and the Mediator becomes enforceable upon application to Court by either party.

Conciliation. The Arbitration and Conciliation Act (ACA) Laws of the Federation of Nigeria (LFN) which governed conciliation has been repealed by AMA 2023. Conciliation unlike mediation does

not have a definition in the interpretation section of the statute books. Technically, conciliation and mediation involve essentially the same processes and procedures in a proceedings hence the extant legislation has dispensed with the ambiguity. Under the repealed law, conciliation requires conciliation proceedings to lead to mutually agreed term of settlement drawn up by the conciliator. Where parties do not agree to the terms, they may resort to arbitration or take action in court. Ojo (2023) describes conciliation as a form of evaluation and advice-giving process. Because "a neutral and independent third party, actively assisting the parties in obtaining a mutually acceptable agreement" is involved, this is the case. The impartial person can evaluate the merits of each side's argument, provide details regarding the current conflict, and make suggestions regarding how it might be resolved. A solution cannot be imposed by the conciliator.

Application of Med-Con to Intraparty Conflicts

Idowu (2021) maintains that the declining public trust or passiveness of the electorate in the EDR system in Nigeria can be enhanced using ADR approaches. If relations and harmony are to be maintained by political parties as people with shared ideas about acquiring and administering the state, then an EADR mechanism is best suited for resolving intraparty disputes and conflicts with its simplicity, informality, flexibility, time, and cost effectiveness. According to Julius et al. (2023), adopting ADR mechanisms, political parties can promote internal democracy, enhance party legitimacy and cohesion, and strengthen their ability to compete in elections. According to the United Nations Office on Drugs and Crimes (UNODC) (2012) ADR mechanisms contribute significantly to the reduction of social conflicts and create a more peaceful society that strengthens rule of law and democracy. AMA 2023 provides that recourse can be had to mediation regardless of the pendency of a judicial proceeding. This means in effect that parties need to be aware of the existence of this provision to be able to key into it when a conflict has arisen.

Key Challenges to mainstreaming Med-Con EADR Mechanism

One of the challenges to the effective implementation of an EADR mechanism for managing intraparty disputes in the electoral process is the absence of an obligatory law in the electoral legal framework. This leaves a lacuna in party democracy, governance, and electoral jurisprudence. The incorporation of an obligatory mediation provision in the current framework and consequently in the constitutions of political parties is an option that should be explored as part of reforms of the electoral process.

Democracy as a system of government is experiencing a global leadership decline from the older democracies according to Carothers (2020). This has affected the performance of parties in newer democracies which have come under increasing threat by the rise of democratic dictators in Africa particularly in the Sahel and Sub-Saharan (Bukari & Braimah, 2023; Anyoko-Shaba, 2022). The democratic reversal has consequently affected internal party democracy, promotion of political education and democratic culture in the affected region.

There is a lack of awareness and adequate knowledge of ADR mechanisms and their benefits in Nigeria. United Nations archival document highlights that this lack of awareness and understanding of ADR mechanisms by the public is a major challenge to its full implementation and utilisation in Nigeria (UNODC 2007). Added to this challenge is the problem of a lack of skilled mediators and ADR practitioners to drive the process. The present AMA 2023 has provided for institutional appointment and control of professional ADR services in the country which political parties can key into.

A respondent submitted that there is both overt and covert resistance by legal practitioners who fear that ADR might result in a potential alarming drop in revenue which abbreviates to ADR if encouraged as the first port of call for election-related disputes. It is not unlikely that the preference for court litigation is a direct fall out of this development according to the respondent.

The political space is still dominated by the elite who control the party machinery and whose interests may coincide with the judicial resort for dispute resolution. Governors according to Julius et al. (2023) often control party structures and use their influence to dictate the outcome of party disputes and candidate selection process.

Findings from our data indicate that intra political party disputes and conflicts are amenable to ADR as a management and resolution tool. Respondents from INEC showed knowledge and experience in the use of electoral alternative dispute resolution (EADR) mechanisms and established that effectively resolving the disputes are important and relevant to conduct of peaceful elections. There is a near unanimity among participants that the country needs to integrate ADR mechanisms into the political party structure, organization, and operations as they remain the choice option for speedy resolution of party disputes and for preservation of relationships necessary for building cohesion. They however, maintained that mainstreaming the practice into the electoral legal framework of the EJS will require more than advocacy and civic engagement with the leadership of political parties. When juxtaposed against litigation through the court system, findings revealed that ADR may not be suitable for addressing cases of corruption where public sanction is indicated or where political and electoral legal rights of the disputing parties are in issue. Again, while ADR mechanisms offer flexibility and confidentiality to the parties who exercise greater control over the processes, it does not have the compelling power of the courts to secure attendance of parties or witnesses, or issue enforceable orders especially where the relative powers of the parties are unbalanced. In addition, decisions of ADR processes do not serve as precedents for guiding similar future situations unlike authoritative judicial decisions.

Nevertheless, ADR mechanisms when used in combination, offer stronger approaches to dispute problem solving and resolution. As stated by Anago (2021, August 22)[personal communication] this is the strong point of the multi-mode hybrid Med-Con which when further combined with experienced and skilled ADR practitioner, delivers an acceptable and assured outcome to the parties. Political parties often use internal ad hoc dispute resolution mechanisms in place of permanent dispute resolution framework to resolve their disputes. This approach has not dissuaded nor deterred disputing members from challenging party decisions in courts especially primary elections outcomes, even against express provisions in the party instruments. This, it is argued, is largely due to inadequacy of the internal ad hoc dispute resolution process, lack of skilled ADR practitioners, existence of power imbalances, and corruption in the process.

A key development in the use and practice of ADR to resolve disputes is the connection and recognition now given by the judiciary to the mechanisms. It is submitted that the use of Multi Door Courthouse such as the Lagos Multi Door Courthouse (LMDC) will advance the application of ADR to both the EJS and the justice system of the country and will in the long run prove effective in managing political party disputes. From our findings, a “door” leading to political parties dispute (PPDD) in every Multi-Door Courthouse for the resolution of political party disputes can be established by the Chief Judges of the various High Courts (Federal High Court, High Court of each State, and High Court of the Federal Capital Territory, Abuja) will definitely find a place in our electoral legal framework by way of case law. Participants further hold the strong view that INEC as the regulator of the electoral process, can sponsor an amendment to the 1999 Constitution (as amended) and the Electoral Act 2022 (as amended) for a provision requiring existing and future political parties to mandate the establishment of a standing

Dispute Resolution Board (DRB) utilising ADR mechanisms in their constitutions, guidelines, and other party instruments as envisaged in the AMA 2023. The present inter-party advisory committee (IPAC) set up by INEC to manage its relationship with political parties, it is submitted, cannot effectively serve as a dispute resolver owing to possible conflict of interest and bias.

It is our contention that since the major triggers of intra-party conflict revolve around the behaviour and actions of members, there is a need for regular advocacy engagements and trainings on use of ADR for party members, leaders, and the bureaucratic officials. In fact, having at least two ADR experts and practitioners among the party workforce at each formal level of organisation coupled with the establishment of an internal DRB will in no distant time positively impact the dispute resolution process necessary for peacebuilding and nation building efforts. As noted by a senior legal practitioner respondent, “the health of the political parties is as important as the health of the electoral process, and consequently, the stability of the political system”. It has been argued that there is a direct relationship between unresolved party conflicts and incidents of electoral violence.

Concluding Remarks

This paper makes the case that the adoption of ADR techniques, such as Mediative-Conciliation, can enhance fairness, accountability, and transparency in political party decision-making. Internal dispute resolution using the Med-Con process can aid in preventing conflicts from turning into court battles, which would add to the already heavy workload of the Nigerian courts. Internal democracy in Nigeria would be strengthened by integrating EADR processes, particularly Med-Con, within the electoral legal framework and party constitutions.

We have established that ADR mechanisms remain the best option for quickly and effectively resolving certain intraparty disputes and preserve relationships. We have similarly found that the hybrid Med-Con ADR mechanism, indigenously designed, and accepted nationally and internationally can be used to manage and substantially resolve intra-party conflicts and minimise incidents of electoral violence resulting from unresolved disputes and crises. Our work established three possible ways for mandating the use of ADR mechanisms in the structure, organization, and operations of political parties in Nigeria to manage and resolve intra-party disputes and conflicts. The first is to use civic advocacy engagements by civil society organisations (CSOs), academics, policymakers, political party leaders, and ADR scholars and practitioners to get the parties to establish permanent DRB for that purpose. Next, INEC as the regulator of political parties and the electoral process should introduce the necessary legislative amendments to the electoral legal framework of both the 1999 Constitution and the Electoral Act 2023 to provide for political parties to set up and use internal ADR mechanisms as an obligation and the first step and condition precedent for litigation in cases of disputes. Finally, the present judicial approach and practice of using multi door courthouses (MDCs) which uses ADR mechanisms is growing in popularity and acceptance. It is not unlikely that political party internal disputes will be referred to them for resolution once the necessary obligatory legal framework is put in place. There is the possibility that a new door in the courthouses might lead to PPDD.

Our work has established that ADR mechanisms can be deployed to manage intra-party disputes and deescalate them before they progress to crises and conflicts. We have found that Med-Con robustly combines the facilitative qualities of mediation with the evaluative techniques of conciliation to offer a unique and flexible model to use in managing and resolving disputes and conflicts. The continued use of ADR mechanisms for electoral dispute resolution is part of the emerging jurisprudence to improve access to justice by all and enhance peace and nation building. We submit that this being the new norm, it should

be incorporated in our electoral legal framework. Just as a National Electoral Offences Commission (NEOC) is being enacted to professionally investigate, and prosecute electoral offences, there should equally be established a specialized administrative procedure to expeditiously manage, and speedily resolve the civil disputes occurring within political party structures, organizations, and operations and formally incorporated in our EJS. It is our submission that the use of mandated Med-Con will greatly deescalate internal party crises and conflicts and consequently reduce incidents or threats of electoral violence.

Recommendations/Policy Suggestions

This work recommends the following for consideration by ADR scholars, practitioners, jurists, advocates, political party leaders and members:

1. A proposal to further amend sections 222-229 of the 1999 Nigerian Constitution (as amended) to include a provision for every political party to establish in its constitution, dedicated Dispute Resolution Board (DRB) as a mandatory organ of the party.
2. Amendment to sections 75 of the Electoral Act 2022 (as being amended) to specifically direct and provide for the establishment of dedicated Dispute Resolution Boards using ADR mechanisms in every political party constitution as an administrative remedy to manage and expeditiously resolve party disputes as condition precedent before any litigation in court.
3. Engage with the National Judicial Institute to make appropriate recommendations to the Chief Justice of Nigeria and the respective Chief Judges (Federal High Court, High Court of a State, and High Court of the Federal Capital Territory, Abuja) with a view to creating a new Door within their existing Multi-Door Courthouses for providing judicial remedies for political party disputes.
4. Mainstream the management and resolution of political party disputes and conflicts in the curriculum of ADR studies and training especially in the teaching of democracy education.

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