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## An Examination of the Roles of a Legal Adviser to a Political Party in a Democracy

Dr. Alawa Stephen Tombari

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SCAN ARTICLE

# An Examination of the Roles of a Legal Adviser to a Political Party in a Democracy

Dr. Alawa Stephen Tombari\*

## Abstract

*Actions and inactions of political parties in a democratic State aid to make or mar the governance of the people. The concurrence of events in various political parties determines the stability, development, security, and image of the State. Factually, political parties are the life wire of democratic governance. This paper examines the roles of a legal adviser to a political party in a democracy, focusing on their influence on party operations and democratic processes. The doctrinal method was employed in this paper. The paper highlights the importance of legal advisers in interpreting legal frameworks, advising on campaign finance, and representing parties in legal matters, maintaining legitimacy, fostering democratic values thereby safeguarding the integrity of the electoral process. Also, there are the challenges faced by legal advisers in fostering democracy, including political interference, corruption, and the complexities of navigating a politically charged environment. The paper concluded that the legal adviser is pivotal in ensuring that political parties operate within the law, promoting transparency, accountability, and democratic principles. Thus, it is recommended that training programs should be developed to enhance the skills and knowledge of legal advisers in political parties. These programs should focus on electoral law, compliance, and ethical standards to empower advisers to navigate complex legal landscapes effectively.*

**Keywords: Legal Adviser, Political Party and Democracy**

## Introduction

In a democratic system, the role of a legal adviser to a political party is critical to ensuring that the party complies with the nation's legal framework while effectively navigating the political landscape. In Nigeria for instance, the biggest and most constant headache that confronts the legal adviser of any political party in Nigeria is the non-observance of internal democracy by the party hierarchy.<sup>1</sup> Political parties are often described as the bedrock of democracy. This is largely on account that election is central to democratic process, and political parties are the leading actors in electoral politics.<sup>2</sup> The argument for the dominance of political parties over

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\* LLB (RSU); BL (Abuja); LLM (RSU); Doctoral Candidate and Lecturer Department of Jurisprudence and International Law, Faculty of Law Rivers State University Port Harcourt; Email: [alawa.stephen@ust.edu.ng](mailto:alawa.stephen@ust.edu.ng); Phone No: 07037732836

<sup>1</sup> M Banire, 'The Courts and Internal Democracy in Political Parties', <<https://mabandassociates.com/the-courts-and-internal-democracy-in-political-parties/>> accessed 18 September 2024.

<sup>2</sup> R Dalton and W Steven, 'Public Images of Political Parties: A Necessary Evil' [2005] (28)(5) *Western European Politics*, 938-51

and above other democratic institutions largely stems from the fact that parties play a leading role in structuring the political debate in most nations. They field candidates and compete for public offices and ultimately form and structure the functioning of democratic government.<sup>3</sup> Political Parties thus facilitate the realization of core democratic values of participation, accountability, and representation and this makes them very critical in democratic settings.

Political parties are pre-eminent institutions of modern democratic governance. The consensus in comparative political thought and among policy makers is that political parties play a central role in deepening and fostering democracy in both established as well as emerging democracies. This is aptly captured by the assertion that “political parties created democracy and modern democracy is unthinkable save in terms of political parties”.<sup>4</sup> The relevance of political parties in the organization of modern politics is not a recent phenomenon of contemporary societies.

Nigeria as a country professes, or at least, strives towards the practice of liberal democracy. The latter can be defined as a procedural system involving open political competition with multi-party, civil and political rights guaranteed by law, as well as accountability, operating through an electoral relationship between the citizens and their representatives. Therefore, electoral process is crucial to the practice of liberal democracy. Open, regular, and competitive electoral politics, in which the result is uncertain and indeterminate *ex ante*, is a core element of liberal democracy.<sup>5</sup> Liberal democracy and competitive electoral politics are so intimately intertwined that one cannot be separated from the other. An election under such a democratic system must be free and fair. And it is now generally accepted that an independent judiciary to interpret electoral laws is one of the most fundamental conditions for the holding of free and fair elections.<sup>6</sup>

Thus, legal advisers play a pivotal role in ensuring that political parties in democracies operate within the framework of the law. Their functions cover a wide range of activities, from

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<sup>3</sup> J Lapalombara and M Weiner, ‘The Organ and Development of Political Parties’ in J Lapalombara and M Weiner (eds), *Political Parties and Political Development* (M.J Princeton University Press, 1996).

<sup>4</sup> J H Aldrich, *Why Parties? The Origin and Transformation of Political Parties in America* (Chicago, University of Chicago Press, 1995); E E Schattschneider, *Party Government* (New York: Rinehart, 1942); M Kuenzi and G Lambright, ‘Party System Institutionalization in 30 African Countries’ [2001] (7)(4) *Party Politics*, 438-68 ; C Manning, ‘Assessing African Party Systems after the third Wave’ [2005] (11) *Party Politics*.

<sup>5</sup> D O Ajayi, ‘The Role of the Bar and the Bench in the Consolidation of Democratic Rule in Nigeria’s Fourth Republic, 1999–2007’ [2023] (1) *West Bohemian Historical Review*, 99.

<sup>6</sup> *Ibid.*

compliance with electoral regulations to providing strategic counsel on legislative matters. This analysis highlights the key roles of a legal adviser in a political party, exploring the legal, strategic, and ethical dimensions of their responsibilities.

## **Conceptual Framework**

### **Legal Adviser**

A legal adviser plays a critical role in offering legal counsel, guidance, and representation to individuals, organizations, or governments to ensure that their actions comply with relevant laws and regulations. A Legal Advisor, often referred to as a legal counsel or in-house lawyer, is a professional who provides legal guidance and support primarily to corporations or organizations.<sup>7</sup> Typically, Legal Advisors specialize in specific areas of law relevant to their organization, such as employment law, corporate law, or intellectual property law. They usually work within the legal departments of large corporations and play a crucial role in minimizing legal risks and enhancing corporate decision-making processes.<sup>8</sup> Differently put, the role of a legal adviser is “confined to advice only” and not to the implementation of that advice.<sup>9</sup> At the end of the day, the decision-making is left squarely in the hands of the person getting advised.

### **Political Party**

A political party can be defined as a group of people or an organized group of people who seek to control the government to put their ideology or programme into practice. According to Nwankwo,<sup>10</sup> a political party can be defined as an organized group of individuals seeking to seize power of government to enjoy the benefit to be derived from such control. He further opines that a political party exists primarily as an electoral machine for gaining power with coherent philosophy and its deep ideological aim.

Maliyamkono and Kanyongolo<sup>11</sup> opined that “a political party is an organized association of people working together to compete for public office and to promote agreed-upon policies”.

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<sup>7</sup> A Gautam, ‘What is a Legal Adviser? Legal Adviser Meaning, Definition and Synonyms’ <<https://www.linkedin.com/pulse/what-legal-adviser-meaning-definition-pj9lf>> accessed 18 September 2024.

<sup>8</sup> *Ibid.*

<sup>9</sup> D Shefi, ‘The Status of the Legal Adviser to the Armed Forces: His Functions and Powers’ [1983] (100) *Military Law Review*, 119, 128.

<sup>10</sup> O B C Nwankwo, *Political Parties and Challenges of Democratic Federalism in Nigeria* (Benin: Obc Press, 1991).

<sup>11</sup> T L Maliyamkono and F E Konyongolo, *When Political Parties Clash* (De res Salaam ESPAURP, 2003) 41.

Coleman and Roseberg cited in Smith<sup>12</sup> defined political parties as ‘associations formally organised with the explicit and declared purpose of acquiring and to some extent maintaining legal control, either singly or in coalition or electoral competition with other associations over the personnel and the policy of the government of an actual or perspective sovereign State’. According to Diamond<sup>13</sup> the importance of political parties lies in the functions they perform in modern democracies by linking the citizens to government. These include the articulation and aggregating of diverse interests, recruitment, and preparation of candidates for electoral office, crafting policy alternatives and setting the policy agenda, organizing and participating in electoral competition and forming effecting government thus integrating groups and individual into democratic process.

## Democracy

Democracy is the most familiar concept in many political discourses. It has not only attracted more attention and fascinated considerable academic and intellectual dialogue than any other social and political concept in the past two centuries, in fact, all other politically and socially significant issues like; justice, human rights, rule of law, good governance, poverty and development are discussed within the purview of democracy. Dahl cited in Asaju<sup>14</sup> defines democracy as a “political framework characterised by the broad distribution of decision-making participation among adult citizens”.

Democracy is neither specifically measurable nor is it definable as a form of government. This is because “it is not always clear what is democratic and what is not”.<sup>15</sup> The term, however, has been applied with some consistency to a form of government in which the “demos” the people rule; in which political power is held by the many rather than by the one or the few.<sup>16</sup> It is a form of government in which citizens enjoy number of civil and political rights, and in which their most important political leaders are elected in free and fair elections and accountable under a rule of law.<sup>17</sup>

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<sup>12</sup> B C Smith, *Understanding Third World Politics: Theories of Political Change and Development* (London: Macmillan Press Ltd, 1996) 199.

<sup>13</sup> L Diamond, *Consolidating the third Wave Democracies* (Baltimore MD John Hopkins University Press, 1999) 23.

<sup>14</sup> K Asaju, ‘Democratic Governance, Federal Character Principles and National Development in Nigeria’ [2015] (4)(8) *Review of Public Administration and Management*, 172-187.

<sup>15</sup> J T Rourke, *International Politics on the World Stage* (New York: mcgraw Hill Higherr Education) 176.

<sup>16</sup> J Lively, *Democracy* (Basil Blackwells: Oxford, 1975) 8.

<sup>17</sup> G A Almond, *Comparative Politics Today: A World View* (New York, Pearson Education, 2004) 27.

Joseph Schumpeter defined democracy as a system; “for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the peoples vote”.<sup>18</sup> For Robert, democracy “refers to a cluster of rules permitting the broadest, surest, direct, and indirect participation of majority of the citizens in political decisions. For example: in decisions affecting the whole community”.<sup>19</sup> In this context, democracy is governance that involves the widest participation, either through elections or through the administration of the accepted or adopted policies.<sup>20</sup>

### **Roles of a Legal Adviser to a Political Party in a Democracy**

Legal advisers play a crucial role in ensuring that political parties in democracies operate within the ambiance of the law. Their functions encompass a wide range of activities, from compliance with electoral regulations to providing strategic counsel on legislative matters. Some of the roles of a legal adviser to a political party in a democracy will be examined below.

#### **Compliance with Electoral Laws**

One of the primary responsibilities of a legal adviser is to ensure that the party complies with electoral laws and regulations. This includes advising on campaign finance laws, electoral procedures, and reporting requirements.<sup>21</sup> The Nigerian Independent National Electoral Commission (INEC) for instance is the regulatory body that oversees elections and electoral compliance in the country. The legal adviser plays a key role in interpreting INEC guidelines and ensuring that the party’s activities, including candidate selection, campaign finance, and election day conduct, comply with Nigerian law.<sup>22</sup> It is, therefore, not in doubt that it is immoral for a legal practitioner to close his eyes to political parties’ lawlessness. Rescuing internal democracy from the hands of political oppressors and the jaw of imposition falls with the ministerial function of every legal practitioner.<sup>23</sup>

#### **Legal Representation and Litigation**

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<sup>18</sup> Diamond (n 13) 8

<sup>19</sup> B Caron and others (ed.), *Democratic Transition in Africa*, Ibadan (Centre For Research, Documentation and University Exchange (CREDU), 1992) 424.

<sup>20</sup> S Kaur, ‘Institutional Development as a Challenge to Democratic Sustenance in Nigeria’ [2007] (44)(3) *International Studies*, 218.

<sup>21</sup> R Smith, *Electoral Law and Political Strategy* (Yale University Press, 2020).

<sup>22</sup> A Agbaje, ‘The Role of Legal Advisers in Nigerian Electoral Processes’ [2021] (56)(2) *Nigerian Law Journal*, 89-103.

<sup>23</sup> Banire (n 1)

Legal advisers often represent the party in legal matters, including disputes related to elections, candidate eligibility, and party internal issues. This role involves preparing legal documents, representing the party in court, and negotiating settlements.<sup>24</sup> Increasingly, one activity that has become synonymous with the season, whether general or off-season elections, is the volume of court cases that accompany the exercise. It comes in either pre- or post-election cases.<sup>25</sup> Given the contentious nature of elections in Nigeria, disputes over results, candidate eligibility, or allegations of electoral malpractices are common. Legal advisers prepare petitions, represent the party before tribunals, and challenge INEC decisions when necessary.<sup>26</sup> From findings, pre-election cases are due largely to political parties' non-adherence to their own rules and absence of internal democracy, which oftentimes leave many aspirants aggrieved. Usually, they end up in court, and in most cases the matter moves from the High Court to the Supreme Court. For post election cases, the issues range from the conduct of the election to disputed results, blurred or omission of party logos among other issues. Thus, the judiciary, an arm of government that should have little to do with elections, has been burdened by a plethora of court cases.<sup>27</sup>

Thus, the constitutional function of courts as arbiters of domestic disputes predisposes them to being viewed as one of the first institutions political actors might seek intervention from during the electoral period. Ideally, the courts would provide an alternative for resolving election disputes because political actors would seek redress from the courts instead of resorting to violence.<sup>28</sup>

### **Advising on Policy and Legislation**

Legal advisers provide guidance on the formulation of party policies and legislation. They help ensure that proposed policies comply with existing laws and anticipate potential legal challenges. Also, a legal adviser will provide guidance on constitutional boundaries, advising the party on how its policies and proposed legislation align with the country's Constitution. This includes advising on civil liberties, separation of powers, and Federal versus State jurisdiction (if applicable).

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<sup>24</sup>T Brown and M White, *Political Party Law and Litigation* (Cambridge University Press, 2021).

<sup>25</sup> D Yakubu, 'Flawed Elections: Boom Time for Lawyers' *Punch* (12<sup>th</sup> March 2023) <<https://punchng.com/flawed-elections-boom-time-for-lawyers/>> accessed 19 September 2024.

<sup>26</sup>I Nwafor, 'Electoral Dispute Resolution in Nigeria: The Role of Political Parties and Legal Advisers' [2021] (48)(2) *Nigerian Journal of Law and Society*, 145-160.

<sup>27</sup> Yakubu (n 25)

<sup>28</sup>S M Burchard and M Simati, 'The Role of the Courts in Mitigating Election Violence in Nigeria' [2019] (38) *Cadernos de Estudos Africanos*, 123-144.

As part of the advisory role, a party legal adviser will evaluate whether proposed legislation or policies are vulnerable to judicial review. This involves assessing the likelihood of legal challenges by opposition parties, NGOs, or interest groups.

### **Strategic Planning**

Legal advisers contribute to the party's strategic planning by analyzing legal risks and opportunities. They help the party navigate legal complexities that could impact its strategic goals. Political parties in any political system typically find themselves in a complex and uncertain environment. Change is a constant within all parties and party organizations, and in their external surroundings. New individuals take up positions among the leadership, cadres and back office, and others leave. Budgets change, sometimes for the better, sometimes for the worse. Changes may be made to the constitutional arrangements, legislation and other types of regulation concerning the political process and political parties.<sup>29</sup>

Such changes and challenges can either strengthen or weaken a party and can either contribute to the realization of the party's goals, have little impact or jeopardize the party's continuity. For parties to be successful in such an environment, focus, determination, and adaptive institutional capacity are required. It is vital for a political party, including the party organization, the party legal advisers to have a shared idea and picture of what the party is, where it wants to go and how it plans to get there.<sup>30</sup> Thus, legal advisers in a political party provide risk assessments on actions the party intends to take, such as alliances, public statements, or the handling of controversial issues.

### **Training and Education**

Legal advisers often provide training and education to party members on legal issues, such as compliance with campaign finance laws or understanding legal rights and responsibilities.<sup>31</sup> Advisers also educate party leadership on constitutional provisions governing internal party processes, such as leadership elections, decision-making, and disciplinary actions. This ensures transparency and reduces internal disputes. Through continuous education, legal advisers help

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<sup>29</sup> C F van den Berg, 'Strategic Planning for Political Parties: A Practical Tool' <<https://www.idea.int/sites/default/files/publications/strategic-planning-for-political-parties.pdf>> accessed 19 September 2024.

<sup>30</sup> *Ibid.*

<sup>31</sup> R Johnson, *Training Party Members on Legal Compliance* (Routledge, 2022).

political parties strengthen internal governance, minimize legal risks, and promote adherence to democratic principles, which are crucial for maintaining public trust and reliability.

### **The Judiciary and Democracy as a Fundamental Civil and Political Structure**

The connection between the Judiciary and Democracy is inherently interdependent, as the existence of a functioning judiciary is essential for the establishment and maintenance of a democratic system. The presence of this correlation is not novel, as it is explicitly outlined in various international human rights treaties. According to the Universal Declaration of Human Rights (UDHR), every individual possesses the entitlement to participate in the governance of their nation, either directly or by means of representatives of their own choosing.<sup>32</sup> Additionally, it is specified that the right to equal access to public service within one's nation is affirmed. Furthermore, it states that the authority of the government shall be derived from the will of the people, which shall be expressed through regular and authentic elections. These elections shall be conducted through universal and equal suffrage, ensuring that all individuals have the right to vote without discrimination. Moreover, the voting process shall be conducted through secret ballots or other comparable methods that guarantee freedom and fairness.<sup>33</sup>

The relationship mentioned above is once again addressed in the International Covenant on Civil and Political Rights (ICCPR). According to the ICCPR, it is stipulated that all individuals possess the entitlement and the ability to engage in the management of public matters, either by direct involvement or by selecting representatives of their own volition. Furthermore, the document explicitly references the entitlement to “participate in elections and run for office in authentic, regular intervals, with voting rights extended to all individuals on an equal basis, ensuring the confidentiality of the ballot, and safeguarding the unrestricted manifestation of the electorate's preferences”.<sup>34</sup>

The acknowledgement of the connection between the judiciary and democracy extends beyond the borders of Nigeria. Furthermore, some regional inter-governmental organisations have explicitly identified the establishment of a strong connection between the court and democracy

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<sup>32</sup>A Agbor, ‘The Role of the Judiciary in the Promotion of Democracy and Human Rights in Cameroon’ [2015] (8)(1-2) *African Journal of Legal Studies*, 145-173.

<sup>33</sup>S Stokes, ‘Political parties and democracy’ [2016] (12)(9) *Annual Review of Political Science*, 243-267.

<sup>34</sup> Agbor (n 32)

as one of their key objectives. The Inter-American Democratic Charter (IADC), which was declared by the General Assembly of the Organisation of American States, asserts that the populations of the Americas possess an entitlement to democracy, and it is the responsibility of their respective governments to actively foster and safeguard this democratic system.<sup>35</sup> Furthermore, the text reinforces the connection between the judiciary and democracy by asserting that democracy is essential for the efficient implementation of fundamental freedoms and human rights, which are universal, indivisible, and interdependent. These principles are incorporated within the institutions of states. These diverse instruments, encompassing both global and regional contexts, offer compelling evidence of the universal recognition and affirmation of the right to democratic governance worldwide.<sup>36</sup>

The presence of an effective judiciary is a prerequisite for the establishment and functioning of a democratic system. For instance, individuals would be unable to engage in unfettered electoral processes unless they possess the ability to partake in the functions of the court, which safeguards their entitlements.<sup>37</sup> The regulation and preservation of these rights, at the very least, are governed by laws that must be duly observed.

### **Challenges to Legal Advisers in Fostering Democracy**

Because of their status, special skills, and training, lawyers have the opportunity and indeed the obligation to help attain the nation's political imperative of consolidating democracy. Unlike their colleagues in stable democracies, however, African lawyers face a phalanx of harsh realities and pragmatic constraints that severely limit their ability to deepen democracy, or even perform their traditional functions. Africa's distinctive problems include political instability, social disequilibrium, insecurity, corruption, ineffective and inefficient public institutions, a declining economy, and the lack of a democratic culture.<sup>38</sup>

Lawyers in developed societies generally practice within politically stable and economically viable societies with fairly well-developed legal systems. In these societies, the judiciary is independent and relatively honest, and the citizens have embraced the rule of law and have shown respect, sometimes admiration, for lawyers and their work. In sharp contrast, lawyers in developing societies work in a difficult and increasingly unstable environment surfeited by

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<sup>35</sup>*Ibid.*

<sup>36</sup>T M Franck, 'The Emerging Right to Democratic Governance' [2012] (86) *American Journal of International Law*, 46–91.

<sup>37</sup>S O Ogerie, *Fashioning the Constitution of Federal Democratic System* (Pitman, 2007).

<sup>38</sup>O Oko, 'Lawyers in Fragile Democracies and the Challenges of Democratic Consolidation: The Nigerian Experience' [2009] (77) *Fordham L. Rev.*, 1295, 1295-96.

political instability, depressed economies, ethnic and religious tensions, inefficient legal systems, corrupt judiciaries that have been unable to insulate themselves from partisan and ethnic pressures, and by a cynical, even distrustful civil society highly ambivalent about involving lawyers in its affairs.<sup>39</sup> One of the most significant challenges is political interference in legal processes. Legal advisers often face pressure from political elites who seek to manipulate legal frameworks for personal or party advantage. This undermines the objectivity of legal counsel and compromises the rule of law.

The flip side of the roles of political parties is that failure to judiciously carry out their functions in accordance with constitutional and statutory requirements leads to a breach of constitutionalism and an endorsement of criminality in the electoral process.<sup>40</sup> Political parties must therefore be made conscious of their responsibility in sustaining democracy; however, it is counterproductive to ignore the fact that political parties are in most cases complicit in electoral malpractices.

Democratic constitutions typically recognize the judiciary as an independent body separate and distinct from other arms of government. The judiciary, when performing its constitutional functions, provides a forum for the citizens to ventilate their grievances and seek redress for wrongs, even against the government and its functionaries.<sup>41</sup> It is generally regarded as the most potent mechanism for checking executive and legislative excesses and also for protecting constitutionally guaranteed rights and liberties. In court, more than anywhere else, citizens can confront the government and assert a claim for justice without feeling disadvantaged or overwhelmed by powers typically vested in the government.<sup>42</sup> To perform these roles, a nation needs a judiciary that is independent, honest, and willing to engage in neutral, impartial, and dispassionate interpretation of the law.<sup>43</sup> So much depends on the background, character, and judicial philosophy of judicial officers.<sup>44</sup> The major problem in Nigeria, however, seems to be

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<sup>39</sup> O Oko, 'The Problems and Challenges of Lawyering in Developing Societies' [2004] (35)*Rutgers L.J.*, 569, 573-74; N Udombana, 'The Unfinished Business: Conflicts, the African Union and the New Partnership for Africa's Development' [2003] (35)*Geo. Wash. Int'l L. Rev.*, 55, 64.

<sup>40</sup> Y Isma'ila and Z Othman, 'Electoral Malpractice and the Challenges of Democratic Consolidation in Nigeria's Fourth Republic' [2016] (6) *International Review of Management and Marketing*, 296-303.

<sup>41</sup> N Tobi, Law, Judiciary and Nigerian Democracy, in I Ayua (ed), *Law, Justice And The Nigerian Society: Essays In Honour Of Hon. Justice Mohammed Bello* 122, 130 (1995).

<sup>42</sup> U Eri, Commentary in (All Nigeria Judges' Conference 2001) 200-201.

<sup>43</sup> C Oputa, Judicial Ethics and Canons of Judicial Conduct, in C C Nweze (ed), *Justice in the Judicial Process: Essays in Honor of Justice Eugene Ubaezonu*, 2002, 193-201.

<sup>44</sup> L R. Smith, 'Judicial Selection: It's More About the Choices than Who Does the Choosing' [2008] (30) *U. Ark. Little Rock L. Rev.* 799, 801.

the character of judicial officers and not their judicial philosophy. Character flaws manifest predominantly in two areas: succumbing to government influence and corruption.<sup>45</sup>

In their role in advising political parties in fostering democracy in Nigeria, legal advisers encounter numerous challenges, ranging from political interference and corruption to weak institutions and insecurity. These impediments make it tricky to provide objective, sound legal advice necessary for democratic consolidation to political parties especially during election and after elections. However, addressing these challenges through reforms in the legal system, strengthening institutions, and promoting the rule of law can enhance the role of legal advisers in promoting democracy.

After surveying the extraordinary challenges confronting Nigerian lawyers, Oko offers hope, identifying strategies by which Nigerian lawyers can promote government accountability, strengthen government institutions, revamp the legal system, combat judicial corruption, and, ultimately, deepen democracy, even under the most difficult social and political conditions.<sup>46</sup>

## **Conclusion**

The role of a legal adviser to a political party in a democracy is multifaceted, encompassing compliance, representation, policy advising, strategic planning, and education. By fulfilling these roles, legal advisers help ensure that political parties operate within the bounds of the law and contribute to the integrity of the democratic process. Free, fair, and effective elections and a regime free of corruption are the bedrock of democracy and underpin the legitimacy, representativeness and constitutionality of government. Conversely, disruption of the electoral process through a criminal breach of the electoral law to gain governmental power is counterproductive, illegitimate and unconstitutional. Political parties are the key organs that ensure the sustenance of democracy through party politics.

Legal advisers are not only responsible for compliance with laws and regulations but also play a pivotal role in educating party members about their legal rights and responsibilities, which is essential for fostering a culture of accountability and transparency within political organizations. Moreover, the article highlights the interdependent relationship between the judiciary and democracy, emphasizing that a robust and independent judiciary is fundamental to the establishment and maintenance of democratic systems. This connection is reinforced by

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<sup>45</sup>Transparency Int'l, *Global Corruption Report 2007: Corruption In Judicial Systems*, at xxii–xxiv (2007), <[http://transparency.org/publications/gcr/download\\_gcr/download\\_gcr\\_2007](http://transparency.org/publications/gcr/download_gcr/download_gcr_2007)> accessed 19 September 2024.

<sup>46</sup> Oko (n 38) 1322-23.

international human rights treaties, such as the Universal Declaration of Human Rights, which affirm the right of individuals to participate in governance and access public services without discrimination. The role of the judiciary in safeguarding these rights is crucial, as it ensures that the will of the people is expressed through free and fair elections.

The role of legal advisers in political parties is indispensable for the promotion of democracy and the rule of law. By fulfilling their responsibilities effectively, they not only help ensure compliance with legal standards but also contribute to the broader goal of democratic consolidation. As political parties continue to evolve, the expertise and guidance of legal advisers will remain crucial in shaping a more accountable and transparent political environment, ultimately fostering a stronger democracy.

### **Recommendations**

It is recommended that:

- i. Governments should work towards creating and enforcing comprehensive electoral laws that clearly define the roles and responsibilities of political parties and their legal advisers. This includes establishing transparent campaign finance regulations and clear guidelines for candidate eligibility.
- ii. Training programs should be developed to enhance the skills and knowledge of legal advisers in political parties. These programs should focus on electoral law, compliance, negotiation skills, and ethical standards to empower advisers to navigate complex legal landscapes effectively.
- iii. Political parties should prioritize internal democratic processes by ensuring fair candidate selection and decision-making procedures. Legal advisers can play a crucial role in advising on best practices for internal governance, thereby fostering a culture of accountability and transparency.
- iv. Legal advisers should engage with civil society organizations to promote awareness of electoral rights and responsibilities among the electorate. This collaboration can help build public trust in the electoral process and encourage citizen participation.
- v. Efforts should be made to strengthen the independence of the judiciary to ensure that legal advisers can operate without undue political pressure. This includes safeguarding judicial appointments and promoting accountability within the judicial system.
- vi. Legal advisers should actively participate in discussions and advocacy for electoral reforms that promote fairness and inclusivity in the electoral process. This includes

supporting measures that enhance voter access and protect against electoral malpractices.



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