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SCAN ARTICLE

‘Supremacy’ of the Constitution of a Political Party: A Philological Incongruity or a Legal Actuality

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and

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Abstract

By virtue of their membership, members of a political party surrender their rights to the guidelines of the party. However, it may be impossible not to acquiesce to the dictates of the powerful elites in oligarchic settings, which a political party represents. As principal instruments for contesting elections, political parties mobilize majorities in support of their leaders and programmes, and this paper which engaged a doctrinal methodological analysis found that political party constitution must be rooted in democratic and constitutional precepts. Yet, circumstances arise where the mystification of what is identified as ‘party supremacy’ and infallible ‘party constitution’ have been questioned as to whether the constitution of a political party is indeed supreme, as while holding the party to strict compliance of law, the same standard also applies to its members. Consequently, the making of political determinations of the party must be ideally reflective of the will of every class of persons in the party since it was found that the internal affairs of a political party are non-justiciable, subject to express statutory provisions. This paper concludes that though the courts do not have the requisite statutory vires to interfere in internal party process aimed at winning elections, the supremacy accorded apolitical party’s constitution must not result in a power-drunk executive, with lost bearings on national goals.There should be a balance between the supremacy of party constitution and obedience to existing hierarchy of laws.

Keywords: Political Party, Constitution, Party Supremacy, Democracy

Introduction

The constitution of a political party and its operational doctrines must be rooted in democratic and constitutional precepts; otherwise,the former will be quashed. It is emphasized as a prelude to this discourse that wherever party directives do not promote constitutional supremacy, the latter will prevail, and the former must be set aside. Yet, circumstances have arisen where the mystification of the notion of what is colloquially identified as ‘party supremacy’ and infallible‘party constitution’ have been questioned. It behooves on scholarly analysis to further question the accuracy of such actuality as ‘supremacy of a party constitution.’ This paper is a deliberate synthesis of academic thoughts in tune with legislations and juristicdiscernment on whether the ‘supremacy’ accorded the Nigerian 1999 Constitution (as amended) is synonymous

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with the status of a political party's constitution in a democratic sense, or whether the declaration of supremacy of a political party's constitution is mere morphology or at its worst; a philological incongruity or absurdity.

Conceptual Elucidation

Democracy

Democracy is government by the people either directly or through representatives.[1] The idea that democracy is a form of governance based on some degree of popular sovereignty and collective decision-making remains largely uncontested. But it is the concern over the additional features to this basic formulation that have produced significant and serious debate about the different definitions of democracy.[2] In some climes, there seems to be new accepted ways democracy is practices. The concept has been described as a system of government with key elements: a system for choosing and replacing the government through free and fair elections; active participation of the people in politics and civic life; protection of the human rights of all citizens; and a rule of law in which the laws and procedures apply equally to all citizens.[3]

Democracy is 'government by the people, either directly or through representatives.'[4]Etymologically, the concept has been linked to coinage from two Greek words: Demos (the people) and Kratos (rule) which means people's rule, allowing citizens of the Greek city states to participate directly in acts of governance. The legitimacy of the government rests on a claim to represent the desires of its citizens.[5] A democratic state flourishes on legitimacy; free and fair elections, existence of political parties; promotion of fundamental human rights, separation of power, political tolerance, transparency, rule of law and equality.[6]Nwabueze expressed that the most basic requirement for democracy is that citizens be empowered to choose

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[1]BA Garner, *Black's Law Dictionary* (8th edn, Thomson West, 2004) 464.
[2] JJ Linz and A Stepan, *Problems of Democratic Transition and Consolidation: South America, Southern Europe, and Post-Communist Europe* (Johns Hopkins University Press, 1996) 14.
[3] L Diamond, *Developing Democracy* (Johns Hopkins University Press, 1999) 67.
[4]Garner (n1) 464.
[5] IA Jamo, 'Democracy and Development in Nigeria: Is There a Link?' [2013] (3) (3) *Arabian Journal of Business and Management Review*, 86;*The Merriam-Webster Dictionary*(Home & Office Edition, Merriam Webster Incorporated, Publishers, 1998) 138.
[6]Jamo (n5) 86.

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and remove leaders.[7] The freedom of association guaranteed under s. 40 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)allows Nigerians to belong or join the formation of a political party for the sustenance of the country's democracy.[8] To become a member of a political party, a person must have complied with all the internal rules of the association, and the party can reprimand any person who errs.[9] The rationale for this rule is to ensure discipline, order and to promote the smooth working of the party.

Democracy has its procedural, liberal, and social dimensions which capture peaceful competition; protection of the twin freedoms of expression and association; consolidated political party system; right to vote as well as the existence of universal suffrage;[10] protection of popular and emerging human rights; constraint of leaders, and universal participation and representation.[11] Defining democracy as a system in which people have the opportunity of accepting or rejecting their leaders, through a competitive EP, it means that a feature of democracy is the capacity of all voters to participate freely and fully in the life of their society, and that democracy is a form of government in which all eligible citizens have an equal say through the ballot.[12]

Political Party

Heralding the creation of a political party, is redirected political behaviour. A political party is an organized association, which endeavours to place its members in governmental offices for the purpose of bringing about the adoption of favoured political policies or programmes. Its primary focus is to win elections or the appointment of its' members into public positions.[13] A political party is a legitimate association of free people who congregate for the purpose of wielding power

[7] B Nwabueze, *Constitutional Democracy in Africa Vol 5*(Spectrum Books Limited, 2004) 11.
[8] Y Olomojobi, *Human Rights and Civil Liberties in Nigeria: Discussions, Analyses, and Explanations* (2nd edn, Princeton & Associates Publishing Co. Ltd, 2018) 260.
[9] *Ibid*, 261; *Cheall v Association of Professional Executive Clerical and Computing Staff* (1983) QB 126.
[10] RA Dahl, *Polyarchy: Participation and Opposition* (Yale University Press, 1971) 14.
[11] J Foweraker and R Krznaric, 'Measuring Liberal Democratic Performance: A Conceptual and Empirical Critique' [2000] (45) (3) *Political Studies*, 759.
[12] RODode, 'Political Parties and the Prospects of Democratic Consolidation in Nigeria: 1999 – 2006'[2015] (4) (5) *African Journal of Political Science and International Relations*, 188.
[13] MR Somers, 'What's political or cultural about political culture and the public sphere? Toward an historical sociology of concept formation' (1995) *Sociological theory*, 113.

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through the ballot box.[14] It is intensely an interest protecting union; the primary purpose being to take control of state power and control the policies of government based on their ideology.

Membership of a political party is voluntary, and all members are bound by its constitution and guidelines. While holding the party to strict compliance, the same standard must also apply to its members.[15] Thus, according to the Supreme Court, where the party constitution and guidelines provide for a dispute resolution procedure, which does not infringe on an aspirant's right to seek redress as provided for under the Nigerian Constitution and the Electoral Act, the prescribed procedure must be complied with.[16]A political party performs functions such as mediating between citizens and state institutions; recruiting and preparing individuals for political leadership; organizing election campaigns; aggregating societal interests, providing a participatory, responsive relationship with the people; political recruitment and training, socialization, and political communication.[17]

S. 229 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) (CFRN) defines a political party to include 'any association whose activities include canvassing for votes in support of a candidate for election to the office of President, Vice-President, Governor, Deputy Governor or membership of a legislative house or of a local government council.' This definition was also adopted by the Electoral Act 2022.[18] Just like a company registered in Nigeria under the Companies and Allied Matters Act 2020managed and monitored by the Corporate Affairs Commission, a registered political party in Nigeria is a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name,[19] and is bound by the provisions of the CFRN 1999 and the Electoral Act 2022 (EA).[20]

Political parties are principal instruments for contesting elections, the election being staged to select candidates as well as parties to exercise political power or authority.[21] A political party

[14] SD Tansey, *Politics: The Basics* (Routledge, 1995) 174.
[15]*Nyameh v INEC* [2023] 15 NWLR (Pt 1908) 553, 570
[16]*Ibid*, 570
[17]JS Omotola, 'Nigerian Parties and Political Ideology' [2014] (1) (3)*Journal of Alternative Perspectives in the Social Sciences*, 612.
[18]Electoral Act 2022 (EA).
[19]*Ibid*, s 77 (1).
[20]*Ibid*, ss 75-97.
[21]IS Mohammed and Others, *Intra Party Conflicts and Nigeria's Sustainable Development: The Case of Peoples Democratic Party (PDP)* (Being a Paper Presented at the 3rd Multidisciplinary National Conference School of

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brings together people with the same political ideas.[22]A political party in Nigeria is accorded its'supreme status, as the only platform through which elected representative at the levels of the executive and the legislature can be elected. Interestingly, the courts in Nigeria in plethora of decided cases have interpreted this power in strict and absolute terms. It is on this basis that members under their different political platforms can be elected into the Executive and Legislative arm of government with varied functions and powers to perform.[23]. Regrettably, this power has been abused severally as can be observed from a plethora of decided cases.

Party Supremacy

Supremacy is defined as 'the quality or state of being supreme especially: a position of unquestioned authority, dominance, or influence.'[24]Malemi stated that supremacy is usually in the people and may additionally rest on parliament, monarch, military government or the constitution depending on the type of government.[25]In theory, the concept of party supremacy is the ideal for democratic political systems, while the possibility of its actualization is remote because of the dimension of power struggle attached to it. The interests of political parties in actual governance does notdiminish with election triumphs; on the contrary, the interests become stronger, and in their efforts to consolidate their hold on power and policy directions, theystrategize to play central roles in the activities of their representatives in government.[26]

Every political party maintains a form of ideological autonomy, and the Nigerian Supreme Court (SC) has stated that the political party is supreme over its own affairs and a court of law has no jurisdiction to question the exercise of its discretion one way or the other.[27]A party can determine whom it nominates and sponsors for election.[28]S. 2 of the Constitution of the People's

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General Studies Federal Polytechnic, NassarawaNassarawa State - Nigeria Theme: Digital Technology and Sustainable Development: Prospects and Challenges in a Changing World, 1-4 July, 2024) 8.

[22] Government of the Netherlands, 'The purpose of political parties' *Government of the Netherlands* <*https://www.government.nl/topics/democracy/the-purpose-of-political-parties*> accessed 6 September 2024.

[23]Constitution of the Federal Republic of Nigeria 1999 (as amended) (CFRN), ss 65(2)(b), 68(1)(g), 106(d), 109(g), 131(c), 142(1), 177 (c), 187(1); *Azubuike vs PDP* (2014) All FWLR (Pt 732) 1651 at 1666 SC*;* T Odubajo and DOlogbenla, 'The Contradictions of "Party Supremacy": Lessons from Nigeria's Eighth National Assembly' [2019] (38) (1) *Politeia*, 4.

[24] Merriam-Webster,'Supremacy' *Merriam-Webster.com Dictionary*<https://www.merriam-webster.com/dictionary/supremacy> accessed 6 September 2024.

[25] E Malemi, *Administrative Law* (4thedn, Princeton Publishing Co, 2012) 45.

[26]Odubajo and Ologbenla (n23) 4.

[27]*Sani v Galadima* [2023] 15 NWLR (Pt 1908) 603 at 631.

[28]CFRN 1999 (as amended), ss. 65(2)(b), 68(1) (g), 131c, 177(c); KWeissenback, *Political Parties and Party Types – Conceptual Approaches to the Institutional of Political Parties in Transitional States: The Case of the Philippines* (Konrad-Adenauer-Stiftung e. V, 2010)8.

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Democratic Party (PDP) highlights the Supremacy of the PDP Constitution, that 'Subject to the provisions of the Constitution of the Federal Republic of Nigeria and any other law in force, this Constitution shall be supreme and its provisions shall have binding force on all members and organs of the Party.'[29]The SC emphasized that members of a political party have by virtue of their membership, surrendered their rights to the guidelines of the party as regards the conduct of its primary election, and although it is an internal contest, there must be regulating rules and guidelines, otherwise there will never be a winner but an enthronement of anarchy and chaos.[30]

The doctrine of party supremacy is often extoled as an attempt by the ruling party to control decision-making within a polity.[31]In its democratic sense, party supremacy may be inferred as the autonomy and independence of the political party from external controls. It is the predominance of collective party decision as opposed to individual ambition of party members. It fosters the supremacy of party ideology instead of charismatic personality. The ideal sense of party supremacy is the superiority of party-based values, objectives, aims and programmes over the will of informal and secretive bodies in the party. Thus, the party is a unified body and its policies as such are superior to any individual interest. When viewed from the above position, party supremacy is an enviable ingredient of democracy.[32]

However, it may be impossible not to acquiesce to the dictates of the powerful elites in oligarchic settings, which a political party represents. This is essentially because, while the representatives may attempt to pursue agendas under the guise of constituency interests, the top hierarchy of political parties are equally well positioned to protect vested interests that are presented as the interests of the political party.[33]Yet again, the SC directs that no court of law has jurisdiction to adjudicate on how a political party conducts its affairs and its leadership or on how it chooses its leaders because such issues are purely an internal affair of the political party, even if the party is in breach of its Constitution or Guidelines.[34]These powers should not be absolute as there ought to be checks and balances, and in deserving cases, the courtsto have powers to enquire into how a political party exercises its constitutional functions.

[29]Constitution of the People's Democratic Party (PDP), Chapter 1, s 2.
[30]*Uba v Moghalu* [2022] 15 NWLR (Pt 1853) 271 at 300, paras C.
[31]NUkamwa, 'Dialectics on the Constitutional Implications of Party Supremacy in Nigeria' [2019] (3) (2)*International Journal of Research and Innovation in Social Science (IJRISS)*, 52.
[32]*Ibid*, 43, 44.
[33]Odubajo and Ologbenla (n23) 12.
[34]*Sulaiman v APC* [2023] 5 NWLR (Pt 1877) 211 at 284.

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Democratic Constitutional Supremacy and Party Politics

A constitution's ambition to shape legal order and institutions, is in tune with the all-powerfulness of the constitution. The CFRN 1999 can expand itselfso as to solve any legal and political conflict, and can contract to give room for protectionsand to moderatepolitical behavior. The normativity of a constitution translates into its supremacy. The concept of constitutional supremacy describes constitutions' ability to establish a hierarchical primacy within the sources of law.[35]Thus, constitutional supremacy is the position of the constitution having the superior or greatest power or authority.[36]

The doctrine of Supremacy of the Constitution is often enshrined in the constitutional framework of democratic countries and is designed to safeguard the integrity and primacy of the constitution in upholding the rule of law. Where there is an imminent threat to the Constitution, the courts are entitled to intervene.[37]The importance of political parties in a democracy is especially great because without them, effective popular control of the government probably would be unattainable in politically organized communities. Political parties endeavour to mobilize majorities in support of their leaders and programmes.[38] But does the status of supremacy accorded the CFRN 1999 relate with the designation of a party constitution as supreme?

The Independent National Electoral Commission (INEC) established by the CFRN 1999, has the duty to organize elections into various political offices in the country. Some of the functions of INEC include:[39]to register political parties in accordance with the provisions of the constitution and Act of the National Assembly; monitor the organization and operation of the political parties, including their finances; conventions, congresses and party primaries, amongst

[35]G Romeo, 'The Conceptualization of Constitutional Supremacy: Global Discourse and Legal Tradition' [2020] (21) (5) *German Law Journal*, 904.

[36]Chaman Law Firm Team, 'The Concept of Constitutional Supremacy in Nigeria' *Chaman Law Firm*(5/11/2024) <https://www.chamanlawfirm.com/the-concept-of-constitutional-supremacy-in-nigeria> accessed 6 September 2024.

[37]CFRN 1999 (as amended), s 1 (1); G Romeo, 'What do we mean by constitutional supremacy? The role of legal traditions in shaping constitutional democracy. A reply to Paolo Sandro' [2024] (52) (Open issue) *REVUS*, 5.

[38] SBM Marume and Others, 'Political Parties'[2016] (13) (4) *IOSR Journal of Mechanical and Civil Engineering (IOSR-JMCE),* 151.

[39] Constitution of the Federal Republic of Nigeria 1999 (As Amended) (CFRN), Part 1F of the Third Schedule, s 15; EA 2022, s 2.

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others.[40]Also, the Electoral Act 2022 (EA) requires all political parties to have a constitution and a manifesto, and this is published by INEC.[41] INEC monitors the activities of all political parties and is expected to keep records of the activities of all the registered political parties.[42]

In light of Nigeria's constitutional democracy, the constitution is the *grundnorm*; the mother of other norms and values. By virtue of its Supremacy Clause, 'group of persons' bound by its provisions includes a political party. A political party cannot attain control of government except in manners prescribed by the constitution, as resonated in the old USA case of *Marbury v. Madison*,[43]and any law including the constitutions of existing political parties which is inconsistent with any provision of the CFRN 1999, shall be void.[44]No Party can function without a constitution, and no association by whatever name called, shall function as a party, unless a copy of its constitution is registered in the principal office of the INECin such form as may be prescribed by INEC.[45] Despite the necessity for every political party to have a constitution, s. 224 CFRN 1999 still requires the programme as well as the aims and objects of a political party to conform to the provisions of Chapter II of CFRN 1999 (As Amended), on Fundamental Objectives and Directive Principles of State Policy.

In exercising control over its candidates, members and general intra party activities, a political party must be seen to have manifestly pursued constitutional aims in consonance with its own aims. Its objectives must not be cross-current to constitutional objectives. Therefore, constitutional democracy becomes more politically viable when party ideology is a product of constitutional provisions. The hierarchy assumes a practical value for the solution of normative conflicts.[46]The supremacy of a country's constitution is to ward of danger of subordination of public interest to considerations of political party survival and success. The practices of many parties often have been harmful from the standpoint of the requirements of good government, over spoils systems, election frauds, or corrupt deals with private interest and most times

[40]*Uba v Moghalu* (n30) 271 at 303; Independent National Electoral Commission, 'About INEC' *INEC*<https://www.inecnigeria.org/?page_id=2196> accessed 6 September 2024.
[41]EA 2022, Pt V; Independent National Electoral Commission, 'Constitutions and Manifestos' *INEC*<https://www.inecnigeria.org/?page_id=955> accessed 6 September 2024.
[42] EA 2022, s 83 (1).
[43]*Marbury v Madison*, 5 US 137 (1803).
[44]CFRN 1999, s 4 (5).
[45] CFRN 1999, s. 222.
[46]SGardbaum, 'The Place of Constitutional Law in The Legal System' in M Rosenfeld and A Sajó (eds) *Oxford Handbook of Comparative Constitutional Law* (Oxford University Press, 2013)167.

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enthrones the interest of a few oligarchy who will in turn suffocate the interest of the majority when the party win the elections.

Unscrupulous politicians frequently have used parties to enrich themselves or to satisfy a personal lust for power and this is most characteristic of most African political leaders. These hazards are not particularly great as long as freedom to organize new parties remains unrestricted and as long as free competition among parties survives -provided, of course, that the people of a country are sufficiently intelligent and community-minded to discriminate between parties that show concern for the public welfare and those that do not. In a community which is tolerant of fraud, corruption, and graft, reprehensible conduct on the part of individuals and groups would continue even if political parties were to disappear.[47]

Political Party Constitution vis-à-vis Its Supremacy Clause

Just as political parties are indispensable to democracy, so also is democracy indispensable within inner party activities. In other words, the party must manifestly observe democratic principles in its internal politics. In *Uba v Moghalu*,[48] the Supreme Court recently expressed that the party, like any other corporation, operates within the guidelines, and the powers and duties set out in its Constitution. All its members are bound by its provisions and their rights and obligations created by their Constitution can be remedied as provided by the Constitution if breached by any of its members. 'Where a member or members of the party feels or feel too powerful to be governed or controlled by the party constitution or guidelines and is or are in contravention of such control mechanisms, then democracy is thrown overboard by anarchy.'[49]

A political party is bound by its constitution and any action taken which is not in conformity with the constitution of such political party is null and void and of no effect.[50] The provisions of its constitution, therefore, bind its members.[51] Indeed, within this purview lies the supremacy of a party constitution. The court cannot be used to pursue inter-party rascality and judicial precedent must be judiciously protected. Although, a party constitution may have its flaws, it is nevertheless the only operating element through which limitations can be imposed on the party

[47]Marume and Others (n38) 152.
[48]*Uba v Moghalu* (n30) at 301.
[49]*Ibid*, 302, paras E-G, per Abba Aji JSC.
[50]*Alagboso v INEC* [2023] 8 NWLR (Pt 1885) 115 at 155, paras E-F.
[51]*Nyameh v INEC* (n15) 564.

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and through which the party members' fundamental rights can be protected. The issue of supremacy between the party and its elected members depends largely on the internal workings of the party as outlined by the party oligarchy. The court stated in *Alagboso v INEC*,[52] that INEC cannot conduct primary for a political party. It can only conduct the election proper, and INEC must not collude or encourage parties to disobey the law guiding them and the elections.[53]

The management or administration of a political party and who should head it or hold any office therein is the internal affair of the party.[54] The internal affairs of a political party are non-justiciable, subject to express statutory provisions or in cases of breach of contract or tort.[55] What is therefore essential as a moderating tool in the relationship between a political party and its elected members in government is the constitution of the country as interpreted by the courts, and its relation to the party's constitution. In stating the level of interference with political party affairs, only where it relates to the narrow confines of section 84 (14) of the EA 2022, [56] the SC expressed that by virtue of s. 84 (14) EA 2022, notwithstanding the provisions of the EA 2022 or rules of a political party, an aspirant who complains of non-compliance with the EA 2022 or the party constitution in selection or nomination of a candidate of a political party for election, may apply to the Federal High Court for redress.[57] Thus, compliance with the principles, processes and procedures prescribed in the Party constitution and electoral guidelines become internal affairs of a political party that a court has jurisdiction to consider a complaint over.[58]

As a result, the making of political determinations and general policies of the party must be ideally reflective of the will of every class of persons in the party.[59] The only way Nigerian democratic dispensation can work effectively is where an aspirant for political office who is qualified to contest an election is given an even playing fieldas with other members of the same political party. Regrettably, it is only persons who have the backing of political godfathers who are allowed to contest elections, and unorthodox means are used to disqualify those perceived as not being 'loyal.'

[52]*Alagboso v INEC*(n49).
[53]*Ibid*, at 156 paras A-B.
[54]*Oni v Oyebanji* [2023] 13 NWLR (Pt 1902) 507 at 546.
[55]*Oni v Oyebanji* (n53) 507 at 547-548.
[56]*APC v INEC* [2023] 8 NWLR (Pt 1887) 563 SC, at 585; *Ndukwu v Ayu* [2023] 5 NWLR (Pt 1877) 309.
[57]*Sani v Galadima*(n27) 603 at 628.
[58]*Ibid*, at 629.
[59]Ukamwa (n31) 48.

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The failure of internal democracy within Nigerian political parties from the grass root level eventually leads to instability in the entire political system.[60]To this extent, the constitution is the only neutral instrument for moderating relationships. Steps, decisions and actions taken by political parties in providing the platform for every member to aspire, strive and seek to take part or participate in the primaries, congresses or conventions to be conducted by the parties for the purpose of selection/nomination of candidates to be sponsored for elections would be a process of internal democracy within the parties and their domestic affair with which the courts are not entitled to interfere, being purely political decisions.[61]

By implication, domination and supremacy lie in the realm of power configuration in the party.[62]The need to address and put into right perspective the subject of party supremacy becomes even more necessary giving the skyrocketing effects of party switching, double loyalty, lack of value-oriented parties, corruption within and outside the parties, leadership insubordination, and the recent rancor in States over who gets vis-à-vis party interest.[63]Some political parties are far doctrinaire than others.[64] Yet, that is not the business of another political party. A political party lacks the *locus standi* to challenge the actions of the Independent National Electoral Commission (INEC) in relation to another political party.[65] A political party that files a suit to challenge the nomination of the candidate of another party will be a nosy, busy body, a meddlesome interloper, peeping into the affairs of his neighbour without any backing in law. No court of law can entertain such a suit.[66] The only aspect of the internal affairs of a voluntary association like a political party in which a court has jurisdiction to intervene and which is very narrow, is for the determination of unlawful substitution of a party candidate.[67]

The courts do not have the requisite statutory *vires* to interfere in or with political decisions by political parties, in the processes of running their domestic affairs for the purposes of winning elections.[68]While political parties need to obey their constitution, guidelines and regulations,Aji JSC stated that 'The era of recklessness and impunity by political parties is over. It is an aspect

[60]*Uba v Moghalu*(n30) 271 at 312.
[61]*Ndukwe v Ayu* (n56) 309 at 350, para F.
[62]Odubajo and Ologbenla (n23) 13.
[63]Ukamwa (n31) 42.
[64] Marume and Others (n38) 142.
[65]*PDP v INEC* [2023] 13 NWLR (Pt 1900) 89 at 131.
[66]*Ibid*, 133.
[67]*Sulaiman v APC* (n34) 211 at 283; *APC v Karfi* [2018] 6 NWLR (Pt 1616) 479; *Nyameh v INEC* (n15) 553, 566.
[68]*Ndukwe v Ayu* (n56) 309 at 350.

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of corruption for a political party to disobey its constitution and guidelines in order to impose candidates on the electorate.'[69] Political questions and domestic affairs are to be handled politically and domestically within the party. Yet, party control must embrace the concept of structural institutionalization, inclusiveness, and decentralization.[70]

The supremacy of a party's constitution as seen in contemporary Nigeria must not result in a power-drunk executive, and a totalitarian-in-nature system, giving room to high-handedness. Several political parties in Nigeria have lost their bearings on national goals. The ripples of misplaced political goals are evident in national life and account for problems like political instability and electoral malpractices. The Constitution of the People's Democratic Party (PDP) in Nigeria,[71] expresses that 'RECOGNIZING that many years of military dictatorship in Nigeria resulted in the gross erosion of fundamental human rights and rule of law; … and arousing themselves to a desired state of consciousness to build a prosperous and lasting democracy.'[72]

Conclusion

The concept of party supremacy is not constitutionally recognized. What has entered our jurisprudence is the supremacy of the constitution of a political party. The control that a party has over its members especially its candidate for elections is not tantamount to absolute party supremacy. Party control is subject to certain internal and external constitutional checks or legal controls. Thus, intra party matters will be justiciable where they are reached ultra vires the party constitution or where a party has acted in clear breach of the constitutional rights of her members protected under the CFRN 1999.

The application of such anomalous morphology as 'party supremacy' is not the solution to Nigeria's political debacle. What is plaguing effective democratization is obstinate fidelity to violation of the Nigerian Constitution with impurity and immunity,disregard for accountability and transparency, sycophantic manipulation of the judiciary, endemic and systemic corruption, infrastructural decadence, lack of inclusive politics, and brandished developmental ignorance of political oligarchies. Political parties has used the concept of party supremacy to ride rough shod

[69] *Uba v Moghalu* (n30) 271 at 311-312, Per Aji JSC, delivering the leading judgement.
[70] CFRN 1999, s226; *Ozigbo v PDP* [2010] 9 NWLR (Pt 1200) 607 at 649 CA; Ukamwa (n31) 47.
[71] Independent National Electoral Commission, 'Constitutions and Manifestos, PDP Constitution' *INEC*<https://www.inecnigeria.org/wp-content/uploads/2019/02/PDP-Constitution.pdf> accessed 6 September 2024
[72] Constitution of the Peoples Democratic Party (PDP), Preamble.

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on its members in particular and the citizenry at large and thus impeded development.These problems must be managed and addressed, as the outcry of ‘party supremacy’ is not the solution to Nigeria’s developmental challenges.

A party strives to capture elective positions by placing its members in nomination and by campaigning for their election; in the case of appointive posts, its efforts are directed toward persuading the appointing authority to make selections from its membership. Nigerian legal jurisprudence has recognized the actuality of supremacy of a political party’s constitution. However, political parties must concern themselves with establishing viable institutions that give rise to discernible political ideologies. Discernable ideologies would manage positive political behaviour and promote the enabling environment required for intra-party harmony. By extension, such an environment would also make it possible to enforce sanctions on party members and office-bearers. Indeed, it is only under such conditions that norms such as ‘part constitutional supremacy and autonomy’ can remain commendable.

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'Supremacy' of the Constitution of a Political Party: A Philological Incongruity or a Legal Actuality

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