



# Defections in Nigeria's National Assembly and its Implications for Governance

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## Abstract

The Nigerian National Assembly started first as a central legislative council with a unicameral structure and later became a National Assembly under a bicameral arrangement. National Parliaments are designed to incorporate public input into governance by having each legislator represent and express the interests of specific geographical area or certain niches in society. However, recent manifestations in Nigeria revealed lawmakers now frequently defect from the platforms on which they were elected in the first place. It is against this background that this paper examines the issue of defections in Nigeria's National Assembly. This qualitative study reviews records, documents, and historical analysis, tracing defections from the per-independence era to the Fourth Republic. Case studies and judicial interpretations were also examined as well as providing a theoretical foundation and contextualizing key concepts related to political party defections and governance in Nigeria. The paper concluded that the trend has negative implications for political process in the country and averting this requires some policy measures and attitudinal change on the part of stakeholders.

## Keywords

Legislature, Defection, Lawmaker, Representation, Governance, Motivation

## 1. Introduction

It is axiomatic that the legislature is the arm responsible for making laws for the good governance of the society. Implicit in this is the notion of representing the people in the process of making such laws. In other words, the legislature is a representative institution that is charged with the responsibility of acting on behalf of the people since the people elected the members and to that extent, they are accountable to the people. Beyond making laws on behalf of the people, the institution also performs other roles some of which were enshrined in the constitution such as oversight of the executive arm and some of which are a fall out of the legislature being composed of representatives of the people. Perhaps this was the thinking of Mazrui (2000) when he observed that the legislature especially in Africa serves as instrument of liberation (political, cultural and gender); platform of national debate; as a check on the executive branch; mechanism of budgetary control; as an instrument of social control; vanguard of social reform; as a co-architect of National Policy; serving as a bridge between the judiciary and the executive branch; as an electoral college, and as the ultimate seat of sovereignty. He concluded that the legislature was not just part of the wider social and political forces, they are equally subject to them (Mazrui, 2000). It was in similar vein that Salih (2005) noted that legislatures are more or less a mirror of the state and its level of development. To this extent, the recent gale of defection in Nigeria's legislature may be seen as a reflection of the state of party politics in the country.

In Nigeria as in other democracies, the legislative arm forms a corner stone of its democratic practice. This is by virtue of the role which the institution has been playing. Democracy as it is commonly known is about bargaining and compromise (IseOlorunkanmi, 2023). Implicit in this is disaggregate of interest between members of the political class. However, in the case of the legislature, such disaggregate interests are expected to be informed by some ideological considerations of what the interest of the constituents are. The point being made here is that while party defection may be an important juncture in the democratic process, it must be backed by some ideological consideration for it to make meaning. This is the Nigerian malady where defections are in most cases not informed by ideological considerations. Although it may be argued that defection or carpet-crossing or what Simbine (2005) called political vagrancy is not a new phenomenon in Nigerian government and politics as it dates back to pre-independence era, the gale of defection in the legislative arm especially in contemporary times call for concern. It reflects the argument of the elite theorists that personal interest governs the actions of political elites This is more worrisome considering the fact that the legislature in Nigeria is not just an arena of representation but equally served as a balancing force in the culturally variegated country because membership of the bicameral legislature is based on one hand on equality of states (Senate) and on the other hand, relative population of states (House of Representatives). Thus, the gale of defections in Nigeria's National Assembly is not without some implications for governance. Against this background, this paper examined the motivations for defection as well as implications of party defections in the National Assembly for governance in Nigeria. Equally important is the prime motivation for what may be termed as 'defection and counter defection' in the National Assembly.

## 2. Methodology

This study engaged a qualitative research approach in examining the prevalent issue of defections in Nigeria's National Assembly and its general implications for governance in the country. This study adopted an all-inclusive review and analysis of available records, documents and materials related to political party defections in Nigeria's legislature. This included a comprehensive examination of constitutional provisions specific to the issue of defections. The study also engaged in a historical analysis, tracing the evolution of defections in Nigeria from the pre-independence era up till the Fourth Republic. A Case study analysis of known instances of defections were also examined so as to understand the motivations and consequences of such actions as well as analysing judicial interpretations and rulings on the aforementioned in times past.

Furthermore, a review of existing body of scholarly works on political party defections and governance in Nigeria provided theoretical foundation for this study as well as contextualizing key concepts germane to this subject matter. This qualitative method helped to clarify the multifaceted factors influencing political defections in Nigeria's National Assembly and provides a grounded understanding of their implications for governance in Nigeria.

## 3. The Law and Party Defection in Nigeria

The constitution is the ground norm of any society. Ideally, it spells out the duties of various organs and institutions of government including those who occupied or are to occupy various governmental positions and their conduct while in office (Ake, *et al.* 2023). It is not surprising therefore, that the Nigerian constitution of 1999 as amended, specified in part two section four that the legislative powers of Nigeria 'shall be vested in a National Assembly' (NASS) comprising of an upper house of Senate with 109 Senators and a lower House of Representatives (HoR) comprising 360 members. The Constitution made it clear explicitly further that being sponsored by a political party of which one is a member is one of the factors that qualify an individual to be elected either as a Senator, member of the HoR or member of a State Assembly. By this provision, representation in the legislature is contingent on membership and sponsorship of a political party. Also, it may be contended that this provision of the constitution serves a dual purpose in the sense that it emphasizes the supremacy of political parties over elected representatives and as well ensured that the interests of citizens are not ignored by opportunistic politicians who defect to another party at will especially after winning election on the platform of another party. It also followed that abdication of such party through defection translates to leaving the party. This perhaps was the intention of the constitution in section 68 (1) when it stated that 'a member of the Senate or of the House of Representatives shall vacate his seat in the House of which he is a member' if among other things 'being a person whose election to the House was sponsored by a political party, he becomes a member of another political party before the expiration of the period for which that House was elected'. The same is applicable under section 109 (1g) to State Houses of Assembly members. However, the Constitution made a proviso to the effect that:

*Provided that his membership of the latter political party is not as a result of a division in the political party of which he was previously a member or of a merger of two or more political parties or factions by one of which he was previously sponsored...* (Section 68 [1g])

The complexity arising from this proviso is that the Constitution itself did not give inkling as to what constitutes 'division' and so it becomes susceptible to varying interpretations. The implication of this is that it makes it easy for defection from one political party to another to occur under the pretext of division within the former party. Thus, ideological basis of defection becomes defeated. This is not to say that defection is an unlawful act, however, it becomes problematic where it is informed by preferences that are not clearly in tune with that of the masses.

Besides the constitution, the judiciary in Nigeria have often ruled in favour of defection on the grounds that it is not a contravention of the constitution especially where a division in the party at the national level could be established. A case in point is defection of the Zamfara state governor, Alhaji Aliyu Shinkafi and his deputy Mukhtar Anka from the All Nigeria Peoples Party (ANPP) to the People's Democratic Party (PDP) in 2009. This was challenged in court by the leadership of the ANPP. However, it was ruled that the action of the governor and his deputy was not illegal going by the provisions of section 68 (1g) of the 1999 constitution (Okparaji, 2010). Although the constitution was silent on where division is to occur (national, state or local government level) that would warrant a lawmaker to vacate his seat, but interpretation of the judiciary was on division at the national level. This was perhaps the reason why the defection of Ayo Abegunde representing Akure South/North federal constituency of Ondo state from the Labour Party to the Action Congress of Nigeria in 2015 was declared illegal by the Supreme Court (Nnochiri, 2015). Although the party may be experiencing conflict in the state but its national office is not experiencing same. Therefore, it may not be appropriate to claim a division in the party. Consequently, the Supreme court held that the division did not affect the party at the national level nor did it made it impossible for the party to function and therefore, does not justify defection of the lawmaker (Nnochiri, 2015).

#### 4. An Overview of Defections in Nigeria

As earlier noted, defection is not a new phenomenon in Nigeria but essentially rooted in the country's political history. While it goes by different nomenclatures such as defection, carpet crossing, political vagrancy, party switching etc., it is an act that involve political actors moving from one political platform to another. Equally, it is not a phenomenon that is peculiar to Nigeria alone as it occurs in several other countries. For example, Winston Churchill in the United States of America was said to be once a Liberal Democrat before joining the Conservative party. Also, Ronald Reagan was on the verge of leaving his liberal party for the democratic party before his death (Abah, 2018).

In Nigeria, party defection in the legislature first occurred in the Western region before independence when scores of supporters of the National Council of Nigeria Citizens (NCNC) joined the Action Group (AG). Also, during the First Republic (1960 – 1966), the former Premier of the defunct Western Region of Nigeria, Chief Ladoke Akintola left the then Action Group (AG) with his supporters to form another party. Although he hinged his reason for leaving the party on the need to move the Yoruba race forward, it was generally assumed that he left due to personality clash between him and the then leader of the AG, chief Obafemi Awolowo. Similarly, Dr. Kingsley Mbadiwe had earlier defected from the National Council of Nigerian Citizens (NCNC) to form his political party, the Democratic Party of Nigeria. In the Second Republic (1979 – 1983), there was equally a gale of defection from one party to another typically to the ruling party at the national level. A case in point is the defection of Chief Akin Omoboriowo, the then sitting deputy governor of Ondo state under the Unity Party of Nigeria (UPN) who defected to join the National Party of Nigeria (NPN). The third republic did not reveal much about the intricacies of defection possibly because the Republic was short-lived.

The current Fourth Republic could be said to have witnessed large scale of defection of politicians both at the national and state levels especially in the build up to the 2019 elections. For example, it could be said that in the current Fourth Republic, defections started in 1999 shortly after inauguration of the Republic. Senators Wahab Dosunmu and Adeseye Ogunlewe defected from the Alliance for Democracy (AD) party platform on which they were elected to the Senate to join the PDP without abdicating their offices. Although the AD made efforts to make them vacate their seats, but this met with stiff resistance from the ruling Peoples' Democratic Party (PDP). The inability of the AD to make them vacate their seats may partly be hinged on the euphoria of PDP being the ruling party then and its influence on constitutional and administrative machineries in the country including the judiciary. Consequently, more Senators and House of Assembly members defected to the ruling PDP without abdicating their offices. Even the current President for various reasons not too far from his ambition to rule the country have been member of various parties. As observed by Barnes (2018), in 2003 and 2007, he was the Presidential candidate of the All Nigeria People's Party (ANPP). In 2011, he contested under the platform of the Congress for Progressive Change (CPC), which he founded and in 2015, he was a member and the Presidential candidate of the All Progressives' Congress (APC). Indeed, the current Republic has witnessed what can be described as defection and counter defection as politicians switch platform at the flimsiest excuse under the guise that there is division within the party. At the PDP convention in late 2013, five governors and some members of the NASS staged a walk out and later became members of the then newly formed APC. Many of them however, recently defected again to join the PDP (Barnes, 2018).

In the states, what usually occur is mass defection. That is, a situation where all the apparatuses of governance move from one political platform to another. This can be hinged on the fact that most states usually have a political overlord that directs the affairs of the party in the states. Therefore, wherever the overlord moves to, he goes with all his supporters and every state machinery that is under his control. This was the case in Kwara state where the Senate President was the political godfather and wherever he moves to is where every member of his party in the state moves to. As mentioned earlier, defection of members in the NASS started with the return to democratic rule in 1999. Initially was the defection of Senators Wahab Dosunmu, Adeseye Ogunlewe and Musiliu Obanikoro from the Alliance for Democracy (AD) to the PDP. This defection according to the actors was informed by rift in the PDP at the national level. However, series of defections have occurred thereafter. The most recent gale of defection in the legislative arm witnessed mass defection of lawmakers. In mid-2018 and as the heat for the 2019 elections rage on, there was mass defection of law

makers from the ruling APC to the PDP and vice versa. While about 15 Senators defected, about 37 members of the HoR also defected from the APC. 33 joined the PDP while 4 went for the APC. Such action turned the table in the Senate, with APC emerging as the opposition party while the PDP emerged as the majority party. The usual reason that is adduced for defection equally came handy as the lawmakers claim fractionalisation in the party. What is however significant is that the APC came down from its initial 63 members in the Senate to its present 48 members. Several new defections have taken place thereafter tilting the balance in favour of APC. Given this state of affairs one may pause to ask that what motivates politicians to engage in defection? This is the focus of the next section.

## 5. Nigeria and Motivations For Defection

A plausible explanation is what can be described as political opportunism. Saliu (2001) observed that political opportunism is a tendency which relegate principles to the background in the conduct of political affairs. That is, a situation whereby political actors abandon their initial or professed political cause in favour of some other unwholesome practices against the background of perceived advantage of a policy or political action. Thus, promoting the self-interest of politicians is a factor in the gale of defections. This is against the fact that most defections on the one hand is usually towards the ruling party. Therefore, the hope of finding continued relevance in power matrix can make a politician to defect to a party where he is more likely to be relevant. On the other hand, the quest to satisfy personal ambition can make a politician to abdicate ideology or other interests in order to realise his ambition. This explains the mass defection of lawmakers to the PDP in the early years of Nigeria's current democracy in 1999. Also, Nigeria's current President had oscillated between different political parties between 2003 and 2015 when he was elected as President. In 2003 and 2007, he was a member of the All Nigeria People's Party (ANPP). In 2011, he was the presidential candidate of the Congress for Progressive Change (CPC), which he founded. In 2014, he became a member of the APC and was elected as President on that platform in 2015. Equally, Chief Sergeant Awuse, former Chairman Board of Directors, federal Airport Authority of Nigeria (FAAN) defected from the PDP to become the Gubernatorial candidate of Democratic Peoples' Party (DPP) hoping to realise his ambition there while Alhaji Attahiru Bafarawa, former Governor of Sokoto State on the platform of All Peoples Party (APP) left to form the DPP and became its presidential candidate in 2007 general election. Similarly, former Governor of Imo State, chief Ikedi Ohakim contested the governorship primaries of PDP and lost only to defect to the Progressive Peoples' Alliance and became its gubernatorial candidate. He was eventually elected as governor on the platform of the party. All these are a reflection of opportunism and the quest to satisfy personal ambition by politicians. It is also an affirmation of elite theorists' argument that self-interest govern the actions of political elites. At another level, it may be reasoned that politicians defect due to dashed hopes especially where there is the hope of some pecuniary advantage which failed to materialise. This stems from a perception of politics as an investment in which the capital must be recouped with interests. Where recouping the investment becomes difficult, politicians may resort to defection. For example, the former Senate President, Dr. Bukola Saraki, was sometimes ago alleged to have said that he spent huge resources to finance the APC to power prelude to 2015 elections but his investment has not been allowed to materialise. That, therefore, partly accounts for his defection back to the PDP (Olawoyin, 2018). This view was also corroborated by APC spokes-person who alleged that defectors from the party, including, Dr Saraki, did so because the President was not willing to share money to them (Oladele, 2018).

Silence of the Constitution on the meaning of 'division' within a political party also allow defections to thrive. More often, the judiciary gives contradictory judgements on the issue of defection. While it may uphold defection as constitutional in some cases, it declares it illegal in some other cases. This reflects divergent opinions in the interpretation of section 68 (1g) of the 1999 Constitution by Judicial officers. Such inconsistencies in interpretation often give politicians leverage to act without consideration of the peoples' interest. Even where there is no glaring division within a party, politicians often devise antics to show that there is a division. Given the fact that the law is silent on what constitutes division within parties and willingness of the ruling or popular party to absorb members of other party (ies) into its fold, the law that requires defecting politicians to abdicate their offices continued to be weakened.

Influence of godfathers and political patronage is yet another factor that makes defection to thrive in Nigeria. A familiar observer with Nigerian government and politics will understand the influence of godfatherism on Nigerian politics. Godfatherism represents a situation whereby a wealthy or influential individual gives direction to a candidate on the strength that the influence of the political god father will translate into electoral advantage for the candidate or god son. To achieve this require that the god father must always remain relevant in political calculations. Consequently, if relevance can be achieved or maintained by defecting to another party, so be it. When this occurs, the god father in most cases defect with the god son and their supporters with little or no consideration for general interest. At another level, it can be argued that people who are financially disempowered operate from a position of weakness. This makes it possible for patronage politics to thrive. Consequently, such people become easily manipulated into defecting to other political platforms.

Political defection also reflects absence of internal democracy in political parties. Political parties serve as platforms upon which candidates are elected to particular post. Therefore, political parties must be viable in terms of sound-minded men and women, being guided by rules that are not partial in its operation and being fair to all. However, political parties in the country tend to have lost touch with these basic ingredients thus, they often fall short of internal democratic practice. More often than not, they are ethnically and religiously fragmented and ideologically impotent with

no clue for the progress of the society. The lack of internal democracy in the conduct of political party's affairs often leads to the imposition of unpopular candidates on the electorates and party members. This results in internal squabbles and political tension within the party leading at times to animosity and defection of some members from the party. This trend manifests in the existence of various factions and executive bodies in the parties. For example, it was not too long ago that the Supreme Court was able to resolve the factional crisis within the PDP which saw Alli Modu Sheriff and Ahmed Makarfi as factional leaders in the party. More recent is the factionalisation of the APC in Kwara state between Balogun Fulani led executive committee and Bashir Bolarinwa led faction. The issue was resolved by the Supreme court in favour of the latter. What is being emphasized here is that when a particular faction in the party feels sidelined or ostracized, it can resort to defection to seek better opportunities. This explains why Political parties that lack internal cohesion are the worst hit by defections.

Related to the above is the issue of intra party relations. Tyoden (2002) identified 3 factors that often shape intra party relations apart from the party constitution. These are, societal factors which relates to origin of the party and the interest of the dominant socio-political forces that saw to their emergence; the contending political view points within the party and, the personal idiosyncrasies of party leaders and elders. Noteworthy is that these factors are likely to produce conflict and where such conflict cannot be resolved, leaving the party may be an alternative for the aggrieved group.

Failure of party leadership may yet be another factor responsible for the pervasiveness of defection in Nigeria. The leadership of a political party is a very critical element in the sense that it can either make or destabilize the party. For instance, when issues are left unresolved or allowed to fester, it can resort in animosity and mistrust of party leadership. In such instances, defection may become more appealing to an aggrieved politician. This perhaps explain why some defections are from the ruling party to another party. For example, the defection of Chief Orji Kalu from the former ruling Peoples' Democratic Party to form the Progressives Peoples' Alliance (PPA) in 2006. This also explain the defection of legislators from the ruling APC to the PDP prior to the 2019 elections. As noted by the former Senate President, Dr. Bukola Saraki, leadership ineptitude in the APC is one of the reasons why he had to decamp back to the PDP (in 2018) which he left in 2014 (Saraki, 2018). The same reason accounted for why the former speaker of the HoR, Aminu Tambuwal, had to defect from the PDP to the APC while the PDP was in power in 2014.

Lack of ideological commitment to a definite course may lead to defection from one party to another. The issues of ideological commitment on the part of Nigerian political parties and actors has always been a subject of continuous engagement by scholars (Muhammad, 2015; Omotola, 2009; Saliu & Muhammad, 2006). Ideology is what propels action. At the political realm, it is expected to serve as catalyst for political action. Unfortunately, in Nigeria, political parties have more commonalities than differences. Perhaps the only conspicuous difference in Nigerian political parties is the nomenclature. Where there is ideological poverty, different tendencies come into play. One of such tendencies is the idea of defection by political actors. The idea of cross carpeting or defecting at will by Nigerian politicians reflects the ideological emptiness of these parties. While defection in Nigeria has continued among political actors, it nonetheless impacts on political and governance process in the country.

## 6. Implications of Defections for Governance

As earlier stated in this work, the legislature is a very important institution of governance. For many, it symbolises the existence of democracy because of its representative role. Due to the inability of direct participation in decision making activities in modern day politics, representative democracy allows the citizens or a small part of it to represent the entire populace. By this, the people are encouraged to participate in making the laws and policies that govern them. Qualitative representation, however, cannot be possible without a lively, healthy and credible legislative organ. It is also important to note that the policies which are formulated by the legislature are inversely related to the standard of living and quality of life of the citizens of a country (Yagboyaju 2011). Consequently, there is an increasing need to improve the performance of the legislature in order to enhance the practice of democracy and good governance.

Governance implies the process of overseeing the responsibility of transparent and effective achievement of national or organizational goals. Similarly, Fukuyama (2013) conceptualized governance as a government's ability to make and enforce rules and to deliver services. To effectively achieve this, the legislature as an arm of government and how it is perceived by the people is central. It may thus be noted that declining trust of citizens in the NASS is a consequence of pervasive defection in the legislative arm. When legislators defect without the consent of the people, it creates the impression that the people do not matter and as such, the level of confidence in the institution becomes affected. The malady of a declining trust in the legislature in Nigeria was captured by Botha, Ewi, Salifu & Abdile (n.d) when they observed that:

*... With the exception of the president, there seems to be very little trust in the institutions of the federal government, such as the National Assembly and the Senate... Nigerians seem to have very little faith in politicians, who are seen as the catalysts of socio-economic and political problems in Nigeria (Botha, Ewi, Salifu & Abdile, n.d.:iii).*

This thinking is not unconnected with the high rate of defections among lawmakers who are expected to serve as springboard of socio-political and economic development through vibrant legislations. In other words, the promotion of socio-economic development could only be brought about by strong government and political institutions such as the

legislature. Unfortunately, the legislature is more concerned with their personal interests, the financial and material benefits it could gather using its influence and power thus, creating the image of a self-centred institution for itself.

Defection weakens party system and impedes institutionalisation of the party because, parties would be reduced to mere platform for seeking to advance self-interests of political actors rather than avenue to serve the people. Equally, jumping from one party to another would not allow parties to grow or find its feet in the political process. While some parties may be waxing stronger as a result of this, some may be on the way to a natural death as the case of Alliance for Democracy (AD) depicts where most of the founding fathers have moved to other parties. Defection also weakens resource base of parties in terms of human and material resources and as such, parties may be unable to discharge the critical functions expected of them in a democracy. The implication of this is that defection sweeping through the country is capable of truncating Nigeria's democracy. A more worrisome scenario is when members of parliament that are expected to reflect the aspirations of the people through their representative function have chosen to act based on their free will rather than the interest of the people.

The gale of defection and the inability of the law to maintain a position on what constitutes division in a political party has again brought to the fore, the lacuna in Nigeria's laws. This is against the background that the judiciary often gives contradictory ruling on defection by politicians. In some instances, it may declare it illegal while another court may uphold it and both are relying on the provisions of section 68 (1g) of the 1999 Constitution of Nigeria (as amended). This divergent interpretation further raised a question of likelihood of a politicised judiciary. Where this is the case, it may be difficult to guarantee the rule of law and fundamental rights of the people. Consequently, defection at will may be an invitation to anarchy and self-help.

Defection is portraying Nigeria in bad light in the comity of nations. With the rampant cases of defection in the NASS, there is the tendency for the international community to be sceptical about the state of democracy in Nigeria. This no doubt will have effect on foreign investment and trade relations between Nigeria and several other countries. Equally, the country's image will be affected in the international system as the country will be seen as an unserious one.

## 7. Conclusion

This paper has examined the implications which series of defection in the NASS has on governance in Nigeria. It observed that the legislature is a very important institution in a democracy as it symbolises democratic practice. It also recognised that defection is not a new phenomenon in the country and prime motivations for it revolved around satisfying the personal interest of political actors and / or their patrons rather than a genuine attempt at representing the views of their constituents nor is such action informed by ideological consideration. Equally, the silence of the law about the actual meaning of 'division' within a political party is a lacuna that is employed by politicians in promoting their own interest. Against the background that the legislature in Nigeria like in other democracies is expected to promote democratic culture, defections in Nigeria's NASS has both internal and external implications for the country's governance. This paper, therefore recommends a review of the Constitution to make the meaning of 'division' more explicit and also calls for attitudinal self re orientation among the political class.

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