



## Federal Ministry of Justice

### REMARKS BY THE HONOURABLE ATTORNEY-GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE, MR. ABUBAKAR MALAMI, (SAN) DURING THE INAUGURATION OF THE COMMITTEE ON CONSTITUTION AND ELECTORAL REFORM ON 4<sup>TH</sup> OCTOBER, 2016

#### PROTOCOL

1. It is my pleasure to welcome you to this important event. As Nigeria's democracy matures, it is important to evaluate our democratic journey thus far, with a view to fashioning out a more enduring system that will serve present and future generations.

2. You would all recall that President Muhammadu Buhari had, in his inauguration speech stated his desire to deepen the country's commitment to democracy and entrench the culture of an enduring electoral system. It is in furtherance of this commitment, and the acknowledged imperfections inherent in the present electoral process that I have been directed by President Muhammadu Buhari to set up a Committee on Constitution and Electoral Reform.

3. Nigeria's recent history of electoral practice and the challenges of managing elections in Nigeria require far-reaching measures and deliberate policies to build consensus among stakeholders in order to institutionalize critical reforms that are necessary for peaceful, transparent and free elections.

4. Recent judicial decisions have shown that there is urgent need to scale up confidence in the electoral system in Nigeria. Recently, during the investiture of new Senior Advocates of Nigeria, the Honourable Chief Justice of Nigeria lamented the widespread distortion of the time-honoured judicial practice of *stare decisis* in view of the overwhelming number of conflicting judgments on election matters.

5. The issues of internal party democracy structures and the need to prevent the use of illicit funds in the electoral process as well as the establishment of an electoral offences tribunal for the prosecution of electoral offences as a deterrence to electoral misbehaviour and brigandage are pertinent, if we must evolve globally acceptable electoral system. A situation where electoral officials are killed or kidnapped, or where politicians make the environment for elections a war theatre forcing the electoral body to seek extra security measures to protect their officials are issues that require serious introspection and bold legal, legislative and institutional action

6. It is therefore imperative to undertake a constitutional and electoral reconstruct in order to address all these critical challenges that still confront our electoral process.

This, without doubt will enthrone more transparency and help to build peoples' confidence in the democratic process. It is this vision that we want to translate into action by the constitution of this Committee.

7. It is my expectation that this Committee will look into the possible amendments to the Constitution and the Electoral Act, as well as other legal instruments concerning elections to facilitate the attainment of a more robust and generally acceptable electoral system. Our expectation of the members of this Committee is that they will leverage on their combined wealth of experience to review the electoral environment, relevant laws and experiences from recent elections conducted in Nigeria and make recommendations to strengthen and achieve the conduct of free and fair elections in Nigeria. The Committee is also advised to take a holistic critical look of the recommendations of Justice Uwais Electoral Reform Committee.

8. The Committee must consult far and wide, across all spectra of the society, and in particular with the National Assembly and the Judiciary in order to make recommendations that will stand the test of time. It is our expectation that the Committee would turn in a Report which depth and quality will resound for years to come and will facilitate the re-engineering of our electoral practice.

9. I am to reiterate that this is an electoral reform Committee whose responsibility is not expected to end with mere recommendations but expected by way of consolidation, to come up with a draft executive memo that will be submitted to the Federal Executive Council for approval of the Committee's report and support same with draft Executive bills meant to place our electoral system on a pedestal good enough to accommodate progressive reforms in future elections and electoral space.

10. To this end, the Terms of Reference of the Committee shall be:

- a) Review of the laws impacting elections in Nigeria, including relevant provisions of the 1999 Constitution (as amended) and the Electoral Act 2012 (as amended) to assess their impact and adequacy for the administration of elections in Nigeria.
- b) Review and recommend the jurisdictional mandates of the proposed Electoral Tribunal.
- c) Review of recent judicial decisions on election petitions as they relate to:
  - i. Conflicting judgments
  - ii. Absence of consequential orders
  - iii. Delays in the issuance of Certified True Copies of judgements
  - iv. Harmonize the Electoral Act in view of these judgments with a view to enhancing the electoral process.
- d) Review of the lessons learnt from the 2015 general elections and make recommendations for the improvement of the electoral system.
- e) Identify and assess international best practices on elections and electoral systems relevant to Nigeria's experience and identify best practices that would impact positively on the quality and credibility of the nation's electoral process.

- f) Review the extent of implementation of the recommendations of the 2008 Electoral Reform Committee (ERC) headed by Justice Muhammad Uwais (the Uwais Report) and advice on outstanding issues for implementation.
- b) Advice on the implementation of outstanding recommendations contained in the ERC Report.
- c) Identify areas of the Constitution impacting on the conduct of elections that need reform.
- d) Recommend the best approach to effective prosecution of electoral offences.
- e) Consolidate the recommendations for Electoral Reforms into a single Electoral Act Bill to achieve the repeal of the 2010 Electoral Act and re-enactment of a new Electoral Act for the country.
- f) Prepare and recommend a draft bill for approval of the President for submission to the National Assembly for enactment.
- g) Co-ordinate with the National Assembly to achieve timely passage into law of the proposed bill.
- h) Make any recommendations deemed necessary for the realization of these Terms of Reference.
- i) Submit a Report of its Recommendations for reforms and draft clauses and provisions to be proposed for Legislative action within ten (10) weeks.

11. The names of the members of the committee are:

S/N	NAME	
1	Senator Dr. Ken Nnamani GCON	Chairman
2	Mr. Oluwole Osaze Uzzi	Member
3	Mrs. Babalola O.O	Member
4	Mr. Duruaku Chima	Member
5	Mrs. Musa I. Maryam	Member
6	Mr. H. A. Tahir, MNI	Member
7	Mr Ike Udunni,	Member
8	Ibrahim S. O.	Member
9	Esther Uzoma The Convener, Nigeria Civil Society Situation Room	Member
10	Dr.Muiz Banire, SAN	Member
11	Mr. Eze Philip	Member
12	Bashir Yusuf Ibrahim,	Member

	Coordinator Coalition of Nigeria's Progressive Political Parties	
13	Abiola Akiyode-Afolabi Chairperson Transition Monitoring Group	Member
14	Barr. Utum Eteng	Member
15	Mr. Ejike Eze	Member
16	Dr. Mamman Lawal Faculty of Law Bayero University Kano	Secretary/Member
17	Mr Ude A.C.	Member
18	Mrs. E. Ifendu, Executive Director Women in Politics	Member
19	Dr.Francis Abang Bullen	Member
20	Mr.Anike Nwoga	Member
21	Mrs. Cecilia Adams	Member
22	Barrister Clement Nwankwo Executive Director Policy and Legal Advocacy Centre	Member
23	Mr. C. Jude	Member
24	Barrister Mohammed Bello Tukur	Member
25	Juliet Ibekaku	Member

12. The Membership of the Committee was carefully selected based on their experience, maturity and resourcefulness. I am particularly grateful to the Chairman of the Committee, Senator Ken Nnamani, GCON, former Senate President who distinguished himself during his tenure in office for accepting the President's call to serve on this Committee despite his tight schedule. I wish to thank the Chairman of

INEC and his staff as well as other members of this Committee for making out time to serve in this Committee.  
Thank you very much.

**MR. ABUBAKAR MALAMI, SAN**  
**Honourable Attorney-General of the Federation and Minister of Justice**  
**4<sup>th</sup> October, 2016.**