COMMUNIQUÉ ISSUED AT THE END OF THE JUDGES' ROUNDTABLE ON CONFLICTING JUDGEMENTS AND ELECTORAL INTEGRITY
COMMUNIQUÉ ISSUED AT THE END OF THE JUDGES' ROUNDTABLE ON CONFLICTING JUDGEMENTS AND ELECTORAL INTEGRITY

DATE: TUESDAY, 19TH APRIL 2022
VENUE: TRANSCORP HILTON, ABUJA
TIME: 10:00am
INTRODUCTION

The Centre for Journalism Innovation and Development – CJID (formerly known as Premium Times Centre for Investigative Journalism PTCIJ) through its Media in Elections (MiNE) project organised a roundtable with the theme Juridical Imperative and Democratic Accountability. The roundtable was organised in partnership with the National Institute for Policy and Strategic Studies (NIPSS) and the European Centre for Electoral Support (ECES), for judges, The Independent National Electoral Commission (INEC), political parties representatives and other CSOs working around electoral issues to discuss conflicting judgements on electoral matters, electoral integrity, the 2022 Electoral Act and the role of stakeholders in strengthening electoral processes.

The event was held at Transcorp Hilton Hotel, Abuja on 19th April 2022 and started at 10:00am prompt. Participants at the roundtable meeting included representatives from the judiciary, INEC, political party leaders, CSOs and the media.

Dr Tobi Oluwatola in his opening remarks welcomed invited guests on behalf of Mr Dapo Olorunyomi, the Chief Executive Officer of CJID. He emphasised the concern of the centre over the health of Nigerian democracy, stating that the theory of change of the organisation is that accountability is central to its democratic healing. Judicialization of politics, according to Dr Oluwatola happens everywhere. In Nigeria however, he noted that it takes a prebendal form which tends towards the politicisation of courts. Unscrupulous political actors, he stated, coerced the courts to achieve their self-seeking goals by taking advantage of judges’ poor welfare conditions, and the power of the executive to appoint and replace judges on a whim.

“Disturbingly, therefore, the temple of justice is tainted, provoking complaints from various segments of the society, including jurists themselves, lawyers, civil society, media, and ordinary citizens.”, he said.

“The judiciary is accused of interfering in electoral outcomes. We all know the examples all too well from Imo, to Osun, Kebbi, Cross River, Anambra, and a host of others.”, he added.

Represented by Dr Akin Mojisola Adeyanju, Director-General, National Institute for Policy and Strategic Studies (Professor Ayo Omotayo) explained how elections all over the world
are seen as a means of satisfying democratic standards especially when defined by healthy competition, participation and legitimacy saying those are the principles of liberal democracy and methods of assessing democratic consolidation.

The DG charged political actors to strive to operate within the principles of liberalism defined by the rule of law, protect civil liberties, permit competitive elections involving multiple parties and ensure popular acceptance outcomes.

In his words “There is no doubt that the judiciary through electoral tribunals and the courts play a significant role in Nigeria’s democracy and its image like the executive and legislative arms of government”. He noted with worry that in this judicial process, the electorates are becoming uncomfortable with the involvement of the judiciary in the turning around of many election results and in some cases there are conflicting judgements with their attendant effects on the perception of democracy.

Mr Hamza Fassi-Fihri started by conveying how pleased he was that the ECES collaborated with CJID and NIPSS in the conduct of this very important roundtable dialogue, which seeks to explore how the Nigerian judiciary, INEC, political parties and other key institutions in the electoral process can contribute to resolving issues of conflicting judgements.

He opined that electoral outcomes should reflect the choices freely made by the people as this is the ultimate test of democracy to be the government of the people by the people and for the people. According to Mr Hamza Fassi-Fihri, for a competitive exercise like elections in which the primary aim of contestants is to win, it is not unusual to have complaints about the fairness of the elections hence the need to result in litigation.

In a short and concise message, Ms Laolu Olawumi of the European Union Delegation referenced a statement by INEC Commissioner, Ms May Agbamuche where she stated that there is a need for greater collaboration between the courts and INEC particularly when it comes to the issues around conflicting judgements in the electoral process.

She emphasised that Judiciary plays a great role in electoral processes and there is the need for constant dialogue on ways to enhance the country’s electoral process. Ms Olawumi said there is the need to ensure that the judiciary does not feel left out in the quest to address political infiltration in the judicial system.

She described the dialogue as an important occasion to continue the very important conversations that have started several months ago by INEC even as Nigeria moves towards the 2023 general elections. She stated that it is more imperative that these conversations
continue to be echoed to allow stakeholders to understand how best to work together. She reiterated the EUs’ commitment towards Nigeria’s democratic process restating that the collaboration will continue to be a major priority even as Nigeria moves towards its next general elections come 2023.

Mr Samson Itodo of Yiaga Africa made a presentation on the role of Civil Society Organisations CSOs on electoral adjudication and transparency of the 2023 elections.

Prof. Ahmad Ali, Dean, Faculty of Law Baze University presided over the discussion on Made in Court Democracies; Role of Political Parties, Courts and INEC.

**ISSUES IDENTIFIED**

Issues identified at the roundtable centre on the challenge of conflicting judgements between superior courts on election outcomes and how to prevent judicial interference in democratic processes. The roundtable also deliberated on how CSOs, which constitute bodies like NGOs, community-based organisations, trade unions, traditional and religious bodies, social movements can prevent judicial interference in electoral processes.

**SUMMARY OF DECISIONS**

Following presentations and robust dialogue during the roundtable and interactive sessions, observations and recommendations that are critical to the fortification of the electoral process in Nigeria were arrived at. These include, among others:

1. There is a need to address the issue of welfare of judges towards ensuring that their dignity is kept intact. Appropriate remuneration for judges and independent funding for the judiciary should be made a top priority.
2. Judges' contact with political cases should be limited to the barest minimum. To achieve this, the judiciary is advised to adopt a self-restraint measure and refrain from interfering in political parties’ disputes ahead of actual elections.

3. Following 2 above, political parties are urged to promote internal democracy to prevent pre-election disputes that usually form the nucleus of the burden of compromise that threatens the integrity of the judiciary in electoral processes.

4. INEC should continue in its quest to conduct free, fair and inclusive election processes that are driven by technology with the aim of restoring the confidence of the people in the electoral process. INEC is also urged to take up its expertise position and sometimes proceed to court to articulate the law as an electoral umpire and expert.

5. The electoral umpire is also urged to scrutinise lawyers that represent it in election matters and ensure they are not compromised by politicians.

6. A need for training and capacity building for judges by the NJI and other stakeholders towards increasing their understanding of electoral acts and avoidance of conflicting judgments from courts of coordinate jurisdiction.

7. A need to promote inclusive access to justice especially as it affects People With Disabilities (PWDs), women, old people and the youths.

8. There should be greater collaboration and constant dialogue between INEC, judiciary and other strategic stakeholders in order to ensure that the judiciary plays an accountable role in electoral processes while unfailingly upholding the political wishes of the people.

9. The accountability mechanism of the judiciary should be more functional. Regulatory bodies like National Judicial Council (NJC) and Nigerian Bar Association (NBA) are urged to reinforce the tool of internal judicial review in ensuring they hold justices and lawyers to account, thereby ensuring that the judiciary is not found undermining democracy.

10. The NJI should conduct periodic case reviews. The awareness that the cases they adjudicate upon are subject to periodic reviews will reduce conflicting judgements.
11. CSOs should engage critically with judicial regulatory bodies and nudge them towards performing their roles more effectively.

12. A need for CSOs to closely and consistently monitor proceedings on election petitions at election tribunals. This helps in the documentation and analysis of the trends in election tribunal processes and can equally help with building a body of knowledge that can be used in training upcoming judicial practitioners.

13. A need for a new socialisation strategy for the public to be championed by the National Orientation Agency (NOA) towards building attitudinal change in citizens. Media, in this regard, also have an agenda-setting responsibility to help the public understand technical electoral issues by inviting subject-matter experts to participate in political discourse.

14. CSOs should enhance the capacities of politicians and other enablers of conflicting judgement on more ethical-political processes that can deliver electoral credibility. Politicians, as well as citizens, should be educated on why unethical practices like money politics, vote-buying, under-aged voting, ballot-box snatching and so on are to be avoided.

15. NJC and other critical stakeholders need to hold judges to account for the values of transparency and integrity. Judges who withstand political pressure and refuse to compromise the integrity of electoral processes should be acknowledged. In line with this is a need to call out lawyers who corrupt electoral tribunal processes and for the NBA and critical stakeholders to recommend them for sanctions to the Legal Practitioners’ Disciplinary Committee (LPDC).

16. The Supreme Court as the highest court of the land should be seen to be not just a court of mere interpretation of the law but also a policy formulator to guide democracy.

17. The Executive and the Legislature are usually political in nature. It is for this reason that the Judiciary, a constitutional instrument of accountability, should in good faith relentlessly play its role of curbing the excesses of the other two arms.
The contents of this communiqué were agreed on by all stakeholders present and adopted.

Dated 19th April 2022
Witnessed by Representatives of:

i. Centre for Journalism Innovation and Development
ii. NIPSS
iii. European Centre for Electoral Support
iv. Enough is Enough
v. YIAGA Africa
vi. FIDA
vii. Albino Foundation
viii. INEC
ix. Electoral College Nigeria
x. Premium Times
xi. International Centre for Investigative Reporting (ICIR)

xii. Inter-Party Advisory Council- IPAC
xiii. The Electoral Hub
xiv. CeFTIW
xv. KIMPACT
xvi. WEADI
xvii. Justice Research Institute (JRI)
xviii. Konrad Adenauer Stiftung
xix. Adopt a Goal Initiative