

CHAPTER 2

SHARIA IMPLEMENTATION COMMITTEE REPORTS AND RELATED WHITE PAPERS

I.

Introduction to Chapter 2

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1. The Sharia Implementation Committee Reports and White Papers.

Sharia implementation was effected by the elected Governors and Houses of Assembly of the twelve States that undertook it. In most States it was done only after wide consultations. The Governors appointed committees – usually called “Sharia Implementation Committees” – whose terms of reference were to study what steps should be taken, to consider the constitutionality of the measures proposed, to survey and enlighten public opinion, and to report back to the Governor. These Committees consulted with *ulama* and legal scholars, solicited memoranda from the public, often held public hearings in various parts of their States, and often visited other States ahead of them in the process: Zamfara State, which led the way, was much visited. Once the Sharia Implementation Committee Report came to him the Governor might then appoint a “White Paper Committee”, charged with drafting an official statement of the Government’s position and programme, based on the recommendations made by the Sharia Implementation Committee. In some States the Governor then appointed yet a third committee – in Bauchi this was called the “Task Force on Sharia Implementation”, in Kebbi it was called the “Committee for the Implementation of Sharia in the State” – charged with carrying out the programme laid down in the White Paper; and these third committees, after months of work, sometimes also produced reports on what they had done. These documents – the pre-implementation reports of the initial Sharia Implementation Committees, the White Papers, and the post-implementation reports of the committees charged with implementing the White Papers – are goldmines of information about life in the Sharia States in the first years of the 21st century, about the many problems affecting the people, and about what Muslims have hoped to do to improve things. None of the documents have previously been published.

2. What we collected.

In our travels in the Sharia States, we tried of course to gather as many as possible of the Sharia Implementation Committee Reports and related White Papers. We were by no means completely successful: here is a list of what we were able to collect:

- Bauchi State: three out of the four volumes of the Report of the Bauchi State Sharia Implementation Committee, submitted to the Governor on 29th September, 2000; the Government White Paper on that Report; and four out of the five volumes of the Report of the Task Force on Sharia Implementation, submitted to the Governor on 14th August 2001.

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- Borno State: Report of the Committee on Application of Sharia in Borno State, submitted to the Governor in April 2000, and the Interim Report of the Sharia Implementation Committee, submitted to the Governor apparently in March 2001.
- Katsina State: both volumes of the Report of the Technical Committee on Constitutional Provisions for the Application of Sharia in Katsina State, submitted to the Governor in January 2000.
- Kebbi State: the Report of the Committee on the Implementation of Sharia in Kebbi State, submitted to the Governor in early 2000; the Government White Paper on the Report of that Committee, June 2000; and Report of the Committee for the Implementation of Sharia in Kebbi State, submitted to the Governor on 18 January 2001.
- Niger State: reports of the Niger State Advisory Council on Religious Affairs (NISACORA) on its June, July and August 2000 visits to Niger State Local Government Areas and to Zamfara State to discuss Sharia implementation.
- Sokoto State: the Interim and Final Reports of the Committee Set Up to Advise the Sokoto State Government on the Establishment of Sharia, submitted to the Governor on 13 October and 16 December 1999, respectively.
- Zamfara State: a paper on “The Adoption and Implementation of Sharia Legal System in Zamfara State”, presented on 6th July 2000 to a Seminar on Sharia in Jigawa State, by Alh. Ahmed Bello Mahmud, the then Attorney-General & Commissioner for Justice of Zamfara State.

We are grateful to the various officials in these States who, in practical demonstrations of the openness and transparency of their governments, made these documents available to us. In fact the documents show the governments and their officials in a very good light: they are serious, thorough, and well done. We are grateful also for the consents subsequently given us permission to publish them.

3. What this chapter comprises.

Unfortunately, space does not allow us to publish all these documents in this volume. The reader will find in the subsequent pages:

- one pre-implementation Report: that of the Bauchi State Sharia Implementation Committee, dated 29th September 2000, including the main report of the Committee, the reports of its various subcommittees, and a great deal of collateral material, including the memoranda submitted to the Committee by a wide range of citizens of Bauchi State, and records of interactions between the Committee and various other persons and groups.
- the then-Attorney-General of Zamfara State’s paper on “The Adoption and Implementation of Sharia Legal System in Zamfara State”, presented on 6th July 2000.

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- one White Paper: that of Kebbi State, prepared in June 2000. This will give the reader a clear indication of what was in the pre-implementation Report of the Committee on the Implementation of Sharia in Kebbi State, and also of course of how the Government responded to that report.
- one post-implementation Report: that of the Committee for the Implementation of Sharia in Kebbi State, dated 18 January 2001, which includes a great deal of information especially on the Sharia Courts in Kebbi State and the judges who man them.

These three selections provide a fair sample of all the various types of material contained in the related documents we collected, and illustrate fully the discussions going on in 1999-2000 of the Sharia implementation programme, the ways it was explained and justified, the problems it was hoped it would solve, and the controversies it raised. We hope to publish the rest of the documents listed in section 2 above – and any similar materials we may obtain in the future – on a website to be established subsequently. These documents were already being lost sight of and were hard to come by in 2002-03, when most of the ones listed were collected; before long no one will be able to lay hands on them again.¹

4. The presentation of the materials.

As is explained more fully in the Preface, we have in various respects “improved” the materials presented here, from the condition in which we received them. We have re-typed everything. We have moved tables of contents to the very front of the two big Reports and in the case of Bauchi’s have expanded the table of contents so that the reader can more easily see and locate everything in the whole report. We have corrected and standardised spellings, capitalisation, pluralisation and punctuation, and have imposed more regularity on formatting than is found in the originals – all in the interest of eliminating irrelevant distractions and making the texts easier to read and understand. We have italicised Arabic and Hausa words not in common use in English, and in some cases explained their meanings in footnotes. We have standardised the names of books mentioned in our texts – the Islamic authorities used in the Sharia Courts are referred to under a variety of titles, which is confusing for the uninitiated reader – and in Chapter 6 (on the “Two Famous Cases” of Safiyatu Hussaini and Amina Lawal, Vol. V) the reader will find a bibliography of Islamic authorities giving information about most of these books. Otherwise we have reproduced the texts – the parts of them in English – word for word. The translations from the Hausa, and in one case from the Arabic, are quite free, the intention being always to convey as clearly as possible in English the sense of the original. In the few cases where we were not sure of the meaning we so indicated in footnotes, giving the Hausa text which had confused us for the information of the reader.

¹ “There is one deficiency which permeates the whole gamut of Nigeria’s services both public and private, and this is the lack of adequate records. Go to any office and ask information about what happened a year ago, hardly will you get an accurate answer.” M.A. Ajomo, in his Foreword to the *Nigeria Legal Year Book – Vol. I: 1998* (Law and Allied Publications Nig. Ltd., 1998), xvi. The situation has not improved since that statement was made.

We have omitted very little from the three documents presented. Where there are omissions, this is indicated in the place where the omitted material would go. Omissions are of two types:

- Some of the appendices to the Bauchi Sharia Implementation Committee Report are draft statutes – e.g., the draft Sharia Penal Code the Committee presented to the Government with its Report. These draft statutes are voluminous, and furthermore they are reflected or discussed elsewhere in this work, as indicated in footnotes in the appropriate places; they are omitted here. Similarly we have omitted plans for judges' houses included in the Bauchi Report, and have sometimes left out repetitive lists of names of committee members.
- More substantive omissions occur in the Report of the Committee for the Implementation of Sharia in Kebbi State. These are the names of persons who applied for positions as Sharia Court judges and were screened by the Committee. The names are given in the original Report, along with details about the persons' performances during the screening exercise. In order to preserve their privacy we have omitted these persons' names and all other identifying information about them. In the interest of saving space we have also summarized rather than reproduced the other information contained in the lengthy tabular reports on the screenings. All essential data is preserved, and a useful picture is still given of the judges of the Sharia Courts of Kebbi State.

Conversely, sometimes we have made insertions: e.g. we have sometimes inserted headings to help guide the reader. All insertions are in brackets. In general, all material in brackets and in the footnotes is ours.

5. Conclusion.

A main impetus to this entire work was the felt need to preserve and publish, in particular, the Sharia Implementation Committee Reports we had been able to gather, for the use of scholars and historians present and future. We hope that readers will find the materials in this chapter as interesting and as useful as we have, in understanding the Sharia implementation programme in Nigeria, and the concerns and efforts that have gone into it.