

National Justice Summit 2024:

FG, International IDEA, others call for reforms in judicial appointment processes

Federal Ministry of Justice, International Institute for Democracy and Electoral Assistance (International IDEA), and other stakeholders in the nation's judiciary have made far-reaching recommendations that will address the issues of judicial appointment process, funding and eradicating delays in the administration of justice in Nigeria. They made the recommendations at the just concluded two-day National Summit on Justice 2024. The event was organised by the Federal Government in collaboration with the European Union funded RoLAC II Programme of the International IDEA. In a communiqué issued at the end of the summit, it was noted that the National Policy on Justice 2024 to 2028, will now serve as a roadmap, paving the way for a more efficient, equitable and responsive justice system for all Nigerians. Chairman, Joint Planning Committee of the Justice Summit, Dr Babatunde Ajibade, SAN, who read the communiqué, said the summit had three technical sessions. Ajibade stated that the general consensus reached at the summit was that the role of the National Judicial Council in discharging its responsibility for judicial appointments into the Superior Court of record required significant review. The stakeholders expressed concern about the fact that the Chief Justice of Nigeria, who is the chairman of the NJC is also the chairman of the Federal Judicial Service Commission, the body that initially reviews proposals or lists of candidates by appointment into judicial office. The summit pointed out the seeming inconsistency between the CJN playing both roles, as it would appear that he is recommending candidates to himself being chairman of both bodies, and being the person who appoints a significant number of the members of both bodies other than those who are statutory members. There's a general consensus by the summit on the need to reconstitute or propose reconstitution of both the NJC and the FJSC. On the role of the State Judicial Service Commission in judicial appointment, the summit concluded that there was a significant need to ensure that composition of the SJSC is more diverse, that it reflects the interests of the users of the justice sector. Stakeholders noted the fact that the current NJC guidelines may have subverted the intent of the constitutional provision, empowering the SJSC to make judicial appointments, because the NJC guidelines, rather than authorizing the SJSC to prepare a shortlist of potential candidates for judicial appointments, appear to address that responsibility solely in the Chairman (Chief

Judges of States). The summit therefore called for an amendment of the aspect of the NJC guidelines to make clear that the development or preparation of shortlist of candidates for judicial appointments is something that is to be done by the Commissions as a whole and not just by the Chief Judges. On the general approach that ought to be taken to reforming the judicial appointments process, the summit stressed that focus should be on increased transparency in the appointment process, meritocracy and on meaningful performance evaluations of those who seek judicial office. Also, it was recommended that Nigeria should consider the model that is currently being used in Kenya. There was a consensus on the need to codify the judicial appointments process, such that the discretion that is currently witnessed in the appointments process is reduced to the barest minimum. On funding, budgeting and administration for the judiciary, the summit resolved that the current process for funding the courts was totally deficient as it was evident that the provisions of the Constitution as amended by the Fifth Amendment, authorizing that funding for the State courts should be a joint effort carried out by the executive and the judiciary was not being implemented in any shape or form in the majority of the states. Clear recommendations were made that this was something that needed to be pursued and dealt with decisively, as the summit stated that funding of the judiciary at the federal level is much better than what obtains in the States of the Federation. More so, the summit observed the need to professionalize the administration of the courts, as well as to appoint persons with clear administrative experience to be selected through a transparent process to administer the courts, and to separate the administration of the courts from the administration of justice. On eradicating delays in the administration of justice agenda for leveraging the rules of procedure and effective case management in Nigeria, the panel considered the importance of limiting the jurisdiction of the Supreme Court, and ensuring that matters that would go to the Supreme Court would only be matters of significant national importance. The summit held that before a matter goes to apex court, it would only be by the leave of the Supreme Court, and that the automatic right of appeal to the will be severely curtailed and will be limited only to matters relating to the office and the election into the office of the president of the federation, Vice President and, and Governors of the States.