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NATIONAL SUMMIT ON JUSTICE HELD AT THE NATIONAL JUDICIAL INSTITUTE, ABUJA ON WEDNESDAY 24TH – THURSDAY 25TH APRIL, 2024

This communique is issued following a productive two-day National Summit on Justice held from April 24th-25th, 2024, at the National Judicial Institute in Abuja, with the theme ***"Repositioning the Justice Sector in Nigeria: Constitutional, Statutory, and Operational Reforms for Access and Efficiency".***

The focus of the summit was on promoting cooperation and collaboration between all justice sector stakeholders in Nigeria. Key areas of discussion included:

(i) The validation and adoption of the revised National Policy on Justice (2024-2028) which outlines a roadmap for significant reforms in Nigeria's justice sector.

(ii) Consideration of and consensus-building on specific justice sector reform proposals.

These reform initiatives aim to reposition the Nigerian justice system through a combination of constitutional, statutory, and operational changes. Ultimately, the goal is to ensure improved access to justice and greater efficiency in justice administration.

2. The summit began with an opening ceremony which was attended by His Excellency, President Bola Ahmed Tinubu, GCFR; represented by His Excellency, Vice President Kashim Mustapha Shettima who declared the summit open; the Senate President, Senator Godswill Akpabio, CON; the Chief Justice of Nigeria, Hon. Justice Olukayode Ariwoola, GCON; the Attorney-General of the Federation and Minister of Justice, Lateef O. Fagbemi, SAN; the Minister of Interior, Hon Olubunmi Tunji Ojo; the Chief of Defence Staff, General Christopher Gwabin Musa OFR; the President of the Nigerian Bar Association, Mr. Yakubu Chonoko Maikyau, OON, SAN; the former Chief Justice of Kenya, Dr. Willy Munyoki Mutunga, EGH, who was the keynote speaker; and a host of others.

3. In his welcome address, the Attorney-General of the Federation and Minister of Justice, emphasized that the summit was to serve as a platform

for stakeholders to discuss and address critical issues affecting justice administration. These issues include ensuring access to justice, improving efficiency in service delivery, and strengthening the independence of the judiciary. The revised national policy on justice proposes interventions in areas like human rights protection, fair trial mechanisms, alternative dispute resolution, and deployment of technological tools for a more efficient system. The summit acknowledged the importance of collaboration between various stakeholders, including the executive, the judiciary, the Nigerian Bar Association, and development partners, to achieve these goals.

4. The President of the Nigerian Bar Association also emphasised the importance of collaboration between the judiciary, executive, and legislature for national progress. He acknowledged the challenges faced by the justice system but urged against negativity and highlighted existing advancements in the formal appointment process for judges. He positioned the judiciary as the cornerstone of the nation, essential for national unity, and commended the judiciary for its role in maintaining stability.

5. The Chief Justice of Nigeria commended the Attorney-General of the Federation for the initiative in convening the summit, while adding that to achieve a sustainable and effective justice system, this summit should serve as a platform for innovative solutions in funding, open dialogue and collaboration among stakeholders, and a renewed focus within justice sector institutions on improved coordination, capacity building, and professional standards.

6. The Chief of Defence Staff emphasized the importance of access to justice for achieving lasting peace and security. He called for a collaborative framework within the summit to reform the public sector, particularly law enforcement agencies. This reform should prioritize both national security and human rights. He noted that by effectively apprehending criminals, law enforcement agencies can rebuild public confidence in the justice system and posited that the summit was a valuable platform to achieve these goals.

7. In his keynote address, Dr. Willy Mutunga, the former Chief Justice of Kenya, emphasized the overall importance of safeguarding the judiciary from political influence for a fair and impartial justice system. While presenting Kenya's constitutional reform journey as a potential model for Nigeria, he highlighted key areas for improvement, including revamping legal education to prioritise public interest litigation and ensuring broader access to justice for all Nigerians. He also suggested a comprehensive review of Nigeria's constitution to strengthen its democratic foundations. Beyond national borders, he called for pan-African collaboration in the legal sphere by proposing the establishment of a central institute dedicated to legal scholarship and collaboration across the continent to foster a unified legal framework for African courts, ultimately strengthening the legal systems of all African states.

8. The Senate President noted that the National Assembly is committed to integrating the proposed reforms into ongoing constitutional amendments and prioritising measures to reduce court backlogs and delays. He made specific proposals such as requiring all appeals in civil cases to be allowed only after the conclusion of the case and replacing the requirement for the Attorney-General's consent for executing judgments against the government with a notification system with a set response deadline. He also highlighted the need to harness technology for case management and emphasised the importance of collaboration between the National Assembly, the Ministry of Justice, the Judiciary, and the Nigerian Bar Association, as they would all play a crucial role in implementing these reforms and ensuring a just and efficient legal system for all Nigerians.

9. His Excellency, President Bola Ahmed Tinubu, GCFR extended gratitude for the collaborative efforts on justice sector reform, highlighting the significant effort of his administration in providing increased funding for the judiciary. Emphasising the crucial role of a functional justice system in supporting economic growth and safeguarding basic human rights, he underscored the urgency for leaders of justice sector institutions to prioritise comprehensive reforms. These reforms should aim at enhancing access to justice, ensuring timeliness, maintaining quality, and fostering accountability and transparency within the system.

10. Prof. Tabiu, SAN who presented the revised National Policy on Justice, 2024, noted that it was developed through a comprehensive consultation process initiated by the Attorney General of the Federation and Minister of Justice. It culminated in a Technical Session for all the Solicitors-General and Permanent Secretaries in the Federation. Chaired by the Solicitor-General of the Federation, Mrs. B. E. Jedy-Agba (OON, mni), where they reviewed and validated the draft policy on 23rd April, 2024 in Abuja. This collaborative effort was to ensure that the policy reflects the needs and priorities of the justice sector stakeholders as a whole.

11. Dr. Oliver Stolpe of the UNODC commended the Draft Revised National Policy on Justice, emphasising its potential to create a more equitable and efficient justice system. He highlighted the policy's focus on addressing key challenges like trial delays, ineffective court administration, and a lack of transparency in judicial appointments. Importantly, he pledged the UNODC's support in implementing the policy, underscoring international commitment to Nigeria's justice sector reforms.

12. Mr. Ibrahim Sesay of the UNICEF commended the inclusion of Justice for Children in the National Policy on Justice. He urged increased enforcement of child protection laws, reforms to reduce pre-trial juvenile detention, and collaboration between justice and social welfare sectors. Additionally, he emphasised the need for a clear roadmap and monitoring to ensure these commitments translate into action for a justice system that protects all, especially children and vulnerable populations.

13. Mr. Roba Sharamo of International IDEA, commended the initiative of the summit in prioritising justice and emphasised its role in building trust and preventing conflict and urged that there should be a focus on the justice needs of vulnerable populations, ensuring accountability within the justice system itself, and strengthening electoral justice mechanisms to solidify democracy.

14. **Validation and Adoption of the National Policy on Justice 2024** *(Moderator: Mr Felix Ota Okojie; Technical experts: Prof. Mohammed Tabiu, SAN; Prof. M. T. Ladan)*

The Honourable Attorney-General of the Federation lay the Revised National Policy on Justice 2024-2028 before the summit for validation and adoption, having underscored its alignment with concerns raised by stakeholders as well as a commitment to ongoing engagement with the justice sector community. The motion to adopt the policy was moved by Mr. Olawale Fapohunda, SAN, and seconded by Mrs. Boma Alabi, OON, SAN. The National Policy on Justice 2024 will now serve as a roadmap, paving the way for a more efficient, equitable, and responsive justice system for all Nigerians.

15. RESOLUTIONS REACHED DURING THE TECHNICAL PANEL DISCUSSIONS:

15.1 There were seven (7) technical panel sessions dealing with three broad thematic areas relating to reform in the justice sector. The three areas were (i) judicial appointments; (ii) administration, budgeting and funding for the judiciary; and (iii) eliminating delays in the administration of justice. These thematic areas and the issues deliberated upon at these panel sessions had been the focus of two intensive pre-summit workshops held on 24th – 25th February 2024 and 11th April 2024 at which proposals for constitutional and legislative reform in the justice sector had been considered by carefully selected experts, most of whom were also panellists at the summit.

15.2 The intention and purpose of this segment of the summit was to expose the discussions and proposals made at these workshops to stakeholders to validate the proposals and conclusions reached.

15.3 **Judicial Appointments**

The panel sessions in this thematic area addressed the issues under three sub-themes with panellists as follows:

(i) **Assessing the Performance of the National Judicial Council in Discharging its Responsibility for Judicial Appointments into the Superior Courts of Record in Nigeria** *(Moderator: Mrs Funke Adekoya, SAN; Panelists: Hon.*

Justice Benedict Kanyip, PNIC; Dr. Oliver Stolpe; Prof. Ameze Guobadia; and Dr. Muiz Banire, SAN);

(ii) **Examining the Structure and Role of the State Judicial Service Commissions (SJSCs) in the Judicial Appointments Process** *(Moderator: Dr Uju Agomoh; Panellists: Justice Alaba Omolaye-Ajileye, PhD (Rtd); Prof. Oyelowo Oyewo, SAN; Mr. Wale Fapohunda, SAN; Dr. Musa Aliyu, SAN)*; and

(iii) **Philosophical Underpinnings of the Judicial Appointments Process: Structural and Constitutional Dimensions and the Proposals for Constitutional and Legislative Reform** *(Moderator: Prof Dakas C.J. Dakas, SAN; Panelists: Dr. Olisa Agbakoba, SAN; Dr. Jan van zyl Smit; Prof. Yusuf Ali, SAN; and Mr. Joseph Otteh)*.

15.4 After robust discussions including input from the summit delegates, made up of Chief Judges and other Heads of the various courts, Attorneys-General of the States, members of the Nigerian Bar Association and other stakeholders, the summit arrived at the following resolutions.

(i) **The National Judicial Council:** The National Judicial Council ("NJC") has not been able to institute a judicial appointments system that is both meritocratic and transparent, or that fosters public trust in the judiciary.

(ii) **The Office of the Chief Justice of Nigeria:** The office of the Chief Justice of Nigeria ("CJN") has an over-concentration of power and influence over the judicial appointments process that has been counterproductive and has affected the efficacy of the process. The CJN sits as Chairman of the Federal Judicial Service Commission ("FJSC"), which carries out the initial assessment of proposed judicial appointees and then recommends a shortlist of candidates to the National Judicial Council ("NJC"), which is also chaired by the CJN.

(iii) **The Composition of the National Judicial Council:** The CJN appoints 19 (nineteen) of the 24 (twenty-four) members of the NJC, and they sit on the NJC at the CJN's pleasure, and this renders the body incapable of acting with independence and objectivity in dealing with its duties, including that of making judicial appointments.

(iv) **Inadequacy of and Non-compliance with NJC Guidelines and Procedural Rules:** The NJC's Guidelines and Procedural Rules ("the NJC Guidelines") do not provide adequate guidance nor do they set out in sufficient detail, the processes and procedures to be followed in the nominations or recommendations of candidates for appointment as judicial officers for the superior courts of record under the 1999

Constitution. Moreover, the NJC has been known to disregard the provisions of the NJC Guidelines in recommending judicial officers for appointment into the superior courts of record.

(v) **The Overbearing Influence of the Executive in the Composition of the State Judicial Service Commissions:** The current composition of the State Judicial Service Commissions ("SJSC") grants excessive control to the State Governors in the appointment of SJSC members. The State Governors appoint five (5) of the eight (8) to nine (9) SJSC members, including the State Attorney-General who is an ex-officio member. This raises concerns about political interference in the performance of the SJSC's role in making judicial appointments and erodes judicial independence. The State Attorneys-General (A-Gs) as statutory members of the SJSCs have a huge influence on the SJSC's effectiveness or otherwise in the judicial appointments process. A weak A-G is unable to resist the pressure from the Governor and the political class to influence the appointments process in favour of their candidates and is also unable to counter the overbearing influence of the Chief Judge as Chairman of the SJSC.

(vi) **The Excessive Power Conferred on the Chief Judges and Heads of Court by the NJC Guidelines:** Rule 3(4) of the NJC Guidelines gives excessive power and control over the appointments process to the Chief Judges and Heads of Courts, because it stipulates that the compilation of shortlists of candidates shall be their sole responsibility, rather than that of the Judicial Service Commissions as a whole. In practice, this has resulted in the Chief Judges and Heads of Courts having the capacity to compromise and exercise undue influence over the appointments process by only shortlisting their preferred candidates.

(vii) **Process Capture:** All of the judicial appointments made to the superior courts of record come through the processes described above resulting in process capture. At the State level, the executive through its influence on the composition of the SJSCs and the role of the A-Gs is able to influence the judicial appointments process, whilst at both State and Federal level, the Chief Judges and Heads of Court are able to exercise undue influence over the appointments process by their exclusive right to shortlist the candidates to be considered. The result is the capture of the judicial appointments process by vested interests, either political or judicial.

(viii) **Promote Diversity of Representation in the JSCs:** The composition of the JSCs, both State and Federal should be reviewed to ensure greater diversity in their membership so

they can act independently and not be captured by either the executive or be under the overbearing influence of the Chief Judges or other Heads of Court.

(ix) **Need for Standardized and Objective Procedures:** There is a need to put in place and implement a clear, transparent and consistent process for judicial appointments in which vacancies will be made public and widely advertised and in which the identity of applicants will be made known. The processes should be similar to, and no less onerous than the system for selecting Senior Advocates of Nigeria.

(x) **Focus on Meritocracy:** There is a need to make the conduct of examinations and tests for applicants mandatory and establish a standardized vetting process based on clear criteria that will objectively assess candidates' qualifications, capacity and integrity.

(xi) **Enact Legislation:** There is a need to enact holistic legislation dealing with judicial appointments to include the specific processes and procedures and criteria for adjudging competence, suitability and qualification of persons seeking appointment as judicial officers, as well as an appeals and validation process for reviewing appointments exercises to ensure and certify compliance with the stipulated criteria. The aim of the legislation will be to remove to the greatest extent possible, the exercise of discretionary powers or influence from the judicial appointments process and by so doing, strengthen judicial independence. Examples of the legislative frameworks for selection criteria can be seen in Kenya's Judicial Service Act 2011.

(xii) **Provide Detailed Guidance on the Interview Process:** There is a need to provide clear guidance and training for those responsible for interviewing prospective judicial officers and to make the interview process open.

(xiii) **Consider Specialised Skills:** The appointment process should have more regard to competence and experience in specialised fields relevant to the court for which the appointment is to be made.

(xiv) **Meaningful Performance Evaluations:** There should be a shift in the focus of performance evaluations from quantity to quality, ensuring a robust system that accurately assesses a judge's abilities before promotion to the next level in the courts.

(xv) **Consider Other Models:** There are valuable insights offered by the UNODC study on judicial appointments in Nigeria, alongside Kenya's successful reform efforts. Utilising these

recommendations and learning from international best practices, Nigeria can build a more credible and trustworthy judicial appointment process, strengthening the justice system as a whole.

15.5 The following additional concerns were raised by participants at the summit relating to the judicial appointments process and were addressed:

(i) **Addressing Magistrates' Concerns:** The President of the Magistrates Association of Nigeria noted that the current appointments process and the proposals for its enhancement would put Magistrates at a disadvantage, as they would not have the technical skills and knowledge required for appointment to the superior courts of record. In response, the summit resolved that the President's observation underscored the reason why the Magistracy should be seen as a separate career path and not necessarily as a stepping stone to appointment as a judge of a superior court of record, as the qualifications, experience and skillsets required for these offices differ.

(ii) **Nepotism and Fair Opportunity for All:** Stakeholders emphasized that anyone meeting the requisite criteria and passing through the appointments process should have a fair opportunity to be appointed as a judicial officer, regardless of background, and that Judges' children or family members should not have an unfair advantage over other candidates based on nepotism but should be able to aspire like any other candidates once they meet the requisite criteria.

15.6 **Administration, Budgeting and Funding for the Judiciary**

The panel sessions in this thematic area addressed the issues under two sub-themes with panellists as follows:

(i) **Examining the Efficiency of the Current Constitutional Framework for the Funding, Administration and Budgeting for the Judiciary in the Allocation of Resources and Accountability on the part of the Judiciary.** (*Moderator: Dr Babatunde Ajibade, SAN, Panellists: Hon. Justice Isa Ayo Salami, PCA (Rtd.); Hon. Justice Oludotun Adefope-Okojie, JCA (Rtd.); and Mr. Robert Emukpoeruo, SAN);*

(ii) **Examining Various Models for Professionalising the Administration of Courts whilst ensuring the Independence of the Judiciary and Proposals for Constitutional and Legislative Reforms** (*Moderator: Dr Babatunde Ajibade, SAN, Panellists: Hon. Justice Kashim*

Zannah (CJ Borno State); Dr. John Sorabji; Professor Bolaji Owasanoye, SAN).

15.7 This segment commenced with the first panel addressing the current state assessment of the situation with funding, budgeting and administration of the judiciary in Nigeria. The second panel included a presentation by Dr. John Sorabji of the University College London, a subject matter expert, who addressed best practice for judicial administration from a comparative perspective. Both sessions were followed by robust discussions and contributions from delegates. Following these extensive contributions, the summit arrived at the following resolutions:

(i) **The Immediate Problem at the Federal Level is Budgeting and Accountability and not Funding:** The summit concluded that there is insufficient clarity at the level of the federal judiciary as to how the funds allocated to the judiciary is budgeted for and a complete opacity as to how it is disbursed and accounted for. It was resolved that this problem might be best addressed by professionalising the administration of the judiciary and placing the professionals in charge under an obligation to budget and account for the funds allocated to the judiciary and be accountable for their application. It was acknowledged that there was a need to put in place and enforce better governance practices in the administration of funds allocated to the Federal judiciary.

(ii) **Funding is a Problem for State Judiciaries:** The summit resolved that the position was not the same with the states' judiciaries. It was noted that many state governments had consistently failed to provide adequate funding for their judiciaries. This resulted in the passage of Executive Order No. 10 issued by President Muhammadu Buhari under the previous administration, directing that funds meant for the state judiciaries should be deducted from the allocations due to the states at source and paid directly to the state judiciaries. This Executive Order was challenged by the State Governments and the Supreme Court held that it was unconstitutional in Suit Number SC/655/2020. It was noted that the 9th National Assembly dealt with this by passing the 5th Alteration to the Constitution, in which it amended Section 121(3) of the Constitution to establish a **Disbursement Committee** made up of representatives of the three arms of the State government, the executive, the legislature and the judiciary. The mandate of this **Disbursement Committee** is to ensure that the funds budgeted for the State legislatures and judiciaries in the Appropriation Law of the State for the year are paid over to them in monthly installments as funds accrue to the States, adjusting as necessary for budgetary shortfalls and surpluses. The summit noted that virtually all the States

had failed to set up the **Disbursement Committees** mandated by this provision of the Constitution and that the State governments had continued to underfund and disregard the state judiciaries. The summit resolved that the non-implementation of these provisions of the Constitution was unacceptable and that all possible measures must be put in place to ensure compliance and that State governments must be compelled to constitute and inaugurate these **Disbursement Committees** as mandated by the Constitution, to safeguard judicial independence and operational efficiency. The summit noted that the primary obligation for ensuring compliance with this constitutional provision lay with the State A-Gs, who should advise the State Governors appropriately.

(iii) **Review of Financial Practices:** The summit resolved that there is a need to conduct a thorough review of the budgeting process, the manner of establishing budget priorities, the expenditure patterns, and financial management practices within the judiciary at both federal and state levels to enhance accountability, oversight, and effective utilisation of resources for optimal service delivery. The summit resolved that this would be achieved through the following means.

(iv) **Professionalising Court Administration:** The summit resolved that there was a need to professionalise the administration of the judiciary at all levels and separate the administration of the courts from the administration of justice, whilst preserving judicial independence and autonomy. This would be achieved by reconstituting the bodies responsible for overseeing court administrative functions and mandating them to recruit suitably qualified personnel with requisite track record and administrative skills to carry out these administrative functions. The personnel would be engaged by the judiciary but would be given clear performance targets and indicators relating to efficiency, transparency, and professionalism of court operations, for which they would be accountable to government as a whole. These personnel would have no input in judicial decision-making, thus separating the administration of the courts from the administration of justice and enhancing efficiency and accountability whilst preserving judicial independence and autonomy.

(v) **Diversity of Membership of the Bodies Responsible for Judicial Administration**: The summit resolved that the composition of the bodies responsible for overseeing court administrative functions needed to change. It was resolved that the appointment of members of these bodies should be balanced, with input from the various arms of government and relevant non-government stakeholders to ensure sufficient independence and capacity to ensure checks and balances in their activities.

(vi) **Prevention of Interference:** The summit resolved that clear boundaries and mechanisms needed to be put in place to prevent undue influence or executive interference in the court administration processes, so as to ensure and preserve the independence, autonomy and impartiality of the judiciary.

(vii) **Professional Standards and Best Practices:** The summit resolved that there was a need to identify and develop personnel to implement professional standards, guidelines, and best practices for court administrators to ensure competence, accountability, and ethical conduct in the performance of their roles.

(viii) **Training and Capacity Building:** The summit resolved that there was a need to promote continuous training, capacity building, and certification programs for court administrators to enhance their skills, knowledge, and professionalism in supporting judicial functions.

(ix) **Involvement of Civil Society:** The summit resolved that the composition of the judicial service commissions should include representation from civil society and the public.

(x) **Tenured Appointments for Heads of Court**: The summit resolved that a tenured system for heads of courts in which they will serve for a single term of 5 years and after which they return to their previous role as judges, etc of the Court should be established.

(xi) **Remove Opportunity for Autocracy by Heads of Court**: The summit resolved that governance systems within the judiciary should be improved and the autocratic powers of heads of courts eliminated or curbed, while obliging them to administer their courts through active consultation with all their brother judges.

(xii) **Collaborative Governance Structures**: The summit resolved that acollaborative governance structures that involve judicial officers, court administrators, and external stakeholders in decision-making processes should be fostered to promote transparency and accountability.

(xiii) **Feedback and Communication:** The summit resolved that mechanisms for consultation, feedback, and communication among all stakeholders should be set up to enhance coordination, efficiency, and effectiveness in court administration while upholding judicial independence.

(xiv) **Performance Evaluation and Oversight:** The summit resolved that robust performance evaluation mechanisms and oversight processes to assess the effectiveness, efficiency, and integrity of court administration functions should be implemented.

(xv) **Audit and Review:** The summit resolved that regular audits, reviews, and assessments to monitor compliance with professional standards, identify areas for improvement, and ensure adherence to legal and ethical norms in court operations should be conducted.

15.8 **Eradicating Delays in the Administration of Justice**
The panel sessions in this thematic area addressed the issues under two sub-themes with panellists as follows:

(i) **Agenda for Leveraging the Rules of Procedure and Effective Case Management in Nigeria:** *(Moderator: Prof Peter Akper SAN, Panelists: Mr. Isaiah Bozimo, SAN; Mr. Babatunde Fagbohunlu, SAN; Mr. Fernandez Marcus-Obiene; and Dr Uju Agomoh)*

(ii) **Discipline at the Bar and on the Bench - The case for Enhanced Disciplinary Powers, Performance, Management and Court Monitoring** *(Moderator: Chief Anthony Idigbe, SAN, Panelists: Hon. Justice Mohammed L. Garba, JSC; Justice Olusola Williams (rtd.); Ms. Hadiza Usman; and Prof. Yemi Akinseye-George, SAN)*

15.9 These sessions included robust discussions and contributions from delegates about the causes of the delays in the administration of justice and the variety of solutions that should be implemented to ameliorate the problem. Following these extensive contributions, the summit arrived at the following resolutions:

(i) **Elimination of Pre-Action Notices in Certain Circumstances**: The summit approved of the proposal to eliminate the pre-action notice requirement in matters in which urgent relief is sought.

(ii) **Validation of Virtual Hearings**: The summit approved the proposal for a constitutional amendment to validate virtual hearings by defining "public hearing" in the constitution to include virtual hearings.

(iii) **Verbatim Recording of Court Proceedings:** The summit approved of the proposal to provide litigants with verbatim records of court proceedings or allow parties to make their own audio recordings of court proceedings and generate transcripts, subject to certification by the Court, as part of their constitutional right to a fair hearing.

(iv) **Limiting the Right of Appeal to Supreme Court**: The summit approved of the proposal to limit the right of appeal to the Supreme Court to curb delays in the final determination of disputes and enable the Supreme Court perform its proper function as a policy court for determining significant issues.

(v) **Transfer of Cases Between Superior Courts**: The summit approved the proposal for constitutional provisions allowing the transfer of cases between superior courts of coordinate jurisdiction to eliminate delays caused by jurisdictional challenges.

(vi) **Completion of Part-Heard Cases by Elevated Judges**: The summit approved the proposal for constitutional dispensation to allow judges who have been elevated to return to their previous courts to conclude their part-heard cases.

(vii) **Adoption of Administration of Civil Justice Laws**: The summit approved the recommendation for States and the Federal judiciary to adopt Administration of Civil Justice Laws similar to those enacted in Ekiti and Delta States to address delays in the administration of civil justice.

(viii) **Accelerating Arbitration Related Litigation**: The summit approved the proposal to accelerate arbitration related litigation by expanding the original jurisdiction of the Court of Appeal to include challenges to or enforcement of arbitral awards and enforcing the timelines for arbitration related litigation stipulated in the Arbitration Rules enacted as part of the Arbitration and Mediation Act, 2023.

(ix) **Admission of Evidence from Previous Proceedings**: The summit approved the proposal to amend section 46 of the Evidence Act to allow for the admission of evidence from previous proceedings in subsequent trials.

(x) **Issuance of Policy Paper on Virtual Hearings:** The summit recommended the preparation of a policy paper from the Federal Ministry of Justice to standardize virtual court hearings across the country.

(xi) **Abolishing the requirement for consent for garnishee proceedings:** The summit approved the recommendation to replace the requirement for consent of the Attorneys-General for enforcement of judgments against government with a notification obligation instead, setting clear timelines within which the government must respond.

(xii) **Update Disciplinary Framework**: The summit resolved that there was an urgent need to review and strengthen the disciplinary framework for legal professionals at the Bar and judicial officers on the Bench to ensure accountability, ethical conduct, and adherence to professional standards. Enhance disciplinary procedures, enforcement mechanisms, and sanctions for misconduct, incompetence, or ethical violations to

uphold integrity, public trust, and the rule of law within the legal profession and the judiciary.

(xiii) **Performance Management, Evaluation and Feedback:** The summit resolved that there was a need to implement performance management systems, evaluation criteria, and feedback mechanisms for assessing the performance, conduct, and competence of legal practitioners and judicial officers to promote excellence, professionalism, and accountability. Specifically, the summit noted that the current mechanism employed by the NJC for reviewing judicial performance, which is based solely on the number of cases concluded needed to be replaced with an evaluation system focused on quality, efficiency, and effectiveness of justice dispensation, not just case numbers.

(xiv) **Change of Orientation:** The summit noted the need to establish clear performance expectations, benchmarks, and goals for legal professionals and judges to enhance service quality, efficiency, and effectiveness in delivering justice and upholding judicial independence.

(xv) **Court Monitoring:** The summit noted the need to strengthen court monitoring mechanisms, oversight bodies, and accountability structures to track judicial performance, case management, and adherence to procedural norms, legal standards, and ethical principles.

(xvi) **Data Sharing and Systemic Improvements**: The summit noted the need to implement systemic improvements and data sharing to enhance the effectiveness of the judicial system. Enhance transparency, reporting, and evaluation processes for court operations, decision-making, and judicial conduct to ensure compliance with legal requirements, procedural fairness, and ethical obligations.

(xvii) **Standards of Professional Conduct:** The summit noted the need to enforce professional conduct standards, codes of ethics, and disciplinary rules for legal practitioners and judges to guide their behavior, interactions, and responsibilities in upholding the rule of law, justice, and public confidence in the legal system.

(xviii) **Engagement of Retired Judicial Officers for Disciplinary Matters:** The summit noted that the inefficiencies and inadequacy of the Legal Practitioners Disciplinary Committee (LPDC), which arise from its limited manpower and single location could be addressed by decentralizing its operations and engaging retired judicial officers to man it and preside over matters of discipline in the legal profession. The LPDC should

establish panels all over the country to increase the speed and efficiency of disciplinary proceedings.

(xix) **Promotion of Accountability and Integrity:** The summit noted the need to promote a culture of integrity, respect, and accountability among legal professionals and judicial officers through training, awareness programs, and ethical guidance to foster a commitment to ethical conduct and professional excellence.

(xx) **Continuous Professional Development**: The summit noted the need to provide ongoing training, education, and professional development opportunities for legal practitioners, judges, and court staff on disciplinary procedures, ethical standards, and performance management to enhance their skills, knowledge, and awareness of professional responsibilities and foster a culture of continuous learning, self-improvement, and ethical awareness within the legal profession and judiciary to promote a high standard of conduct, competence, and integrity in legal practice and judicial decision-making.

(xxi) **Involvement of Lawyers in the Discipline of Judicial Officers**: The summit noted the need to amend the constitutional provision that limits the role of legal practitioners in the NJC, and excludes them from participating in deliberations on matters involving the discipline of judges.

16. Participants expressed gratitude to the organisers of the summit, including the Federal Ministry of Justice for its leadership role in strengthening the justice system in Nigeria; the National Judicial Council; the Nigerian Bar Association; the International IDEA; the UNODC and UNICEF for their technical support in organising a successful summit. They expressed confidence that the implementation of these resolutions and commitments, arising from this Summit will contribute significantly to the advancement of the justice sector and the promotion of a more equitable and efficient legal system for the benefit of all citizens.

Dated this 25th day of April, 2024

Hon. Justice Olukayode Ariwoola, GCON
Chief Justice of Nigeria

Lateef Fagbemi, SAN
Attorney-General of the
Federation and Minister of Justice

Mr. Yakubu Chonoko Maikyau, OON, SAN
President, Nigerian Bar Association