

**COMMUNIQUE ISSUED AT THE END OF THE THREE DAY JUDICIAL
REFORMS CONFERENCE HELD AT THE TRANSCORP HILTON
HOTEL, ABUJA FROM THE
7TH - 9TH OF JULY, 2014**

**Theme: "Putting Our Best Foot Forward: The Judiciary and the Challenges of Satisfying
Judicial Needs of the 21st Century"**

The NBA Judiciary Committee, the European Union, Access to Justice (with support from Open Society Initiative for West Africa (OSIWA)), the United Nations Office on Drugs and Crimes (UNODC) in collaboration with the Performance Evaluation Committee of the National Judicial Council ("NJC") held a Judicial Reforms Conference between the 7-9 July 2014. The Conference had in attendance the Chief Justice of Nigeria, the Chief Justice of South Africa, Supreme Court Justices, Members of the National Judicial Council, the President of the Court of Appeal, Heads of Courts, Judges, the President of the NBA, Academics, members of the Bar and other stake-holders. It is from the views expressed at this Conference that this Communiqué was developed. It is the belief of this Conference that the implementation of the recommendations contained herein would positively aid the development of the third arm of government through the introduction of measures to reform the current performance evaluation and recruitment processes in order to ensure speedy and qualitative justice delivery. These recommendations include:

A. ON REFORM OF THE JUDICIAL APPOINTMENT PROCESS

1. An essential aspect of 'putting the right foot forward' must include a review of the guidelines for the recruitment of judges to encourage a more transparent, competitive and merit-based system that will eliminate non-transparency in the appointment process. The ongoing review of the process by the NJC should include a participatory process that will ultimately lead to the appointment of persons of integrity.
2. There should be adopted a manner of appointment of members of the Judicial Service Commissions (JSCs) that would ensure that only competent candidates are appointed who should resist any attempt to influence them in arriving at their decisions.
3. To reduce case backlogs in States with limited judicial manpower, the option of appointing and using ad-hoc judges is worthy of consideration. Senior Advocates of Nigeria (SANs), competent senior lawyers and retired judges could be appointed on an ad-hoc basis to fill these positions as is the practice in other jurisdictions.
4. Judicial appointments should, as much as possible, give adequate consideration to gender parity. There should be enough diversity in the appointment process to ensure proper representation. The quality of justice is improved since a diverse judiciary is able to draw on a wider range of collective experience.
5. Competency based criteria should be adopted in the appointment of Judges and the process must be merit-based. Fair and equal consideration should be given to members of the Private Bar and the Academia.

B. ON PERFORMANCE MANAGEMENT/EVALUATION SYSTEMS

1. There is need for a strategic improvement in the current system to involve all stakeholders in order to have a system that takes into consideration outputs and standards

which have the capability of sustaining public trust. The Nigerian Bar Association should also institute a system of qualitatively monitoring and evaluating courts and judges' performance at all levels of court.

2. States' Judicial Service Commissions should undertake performance evaluation at the lower courts where a majority of cases are decided in order to strengthen the system of justice delivery.
3. Performance evaluation should go beyond sanctions for poor performance and should include interventions to improve capacity towards enhancing performance where gaps are noticed. Exceptional performance by judicial officers should be rewarded.
4. An enabling environment should be created for judges to adequately perform their functions. The judiciary and other stakeholders must advocate for true independence with control over its own budget. There is need to implement and respect the constitutional provision on fiscal Independence of the judiciary.
5. Corruption is an insidious plague that leads to the subversion of justice. The judiciary must play a pro-active role in eliminating corruption within the justice system thereby enhancing integrity and accountability.
6. Judicial officers must develop case, change and time management skills.
7. An evaluation methodology that uses National caseload data will enhance decision-making and produce better performance management policies.
8. A properly structured judicial education system through which continuous training will be available to Judges must be developed.
9. The National Judicial Council should refer all substantiated complaints of corruption against judicial officers to appropriate law enforcement agencies for investigation.
10. Concerns were raised about the commitment of the Bar in securing the independence of the judiciary. Attorneys General must do more in giving relevant advice to State Governors.
11. Performance data used for evaluating the outputs of judges should include all decisions and pretrial proceedings done by Judges.
12. Judges and Legal Practitioners are vital in securing the integrity of the judiciary. Lawyers should support the judiciary by desisting from playing any part in the corruption and subversion of the judicial process.

C. ON USING TECHNOLOGY TO DRIVE PERFORMANCE EVALUATION SYSTEMS

1. The Judiciary and the Bar should co-operate and take advantage of available technological software that can be used to generate case management data from courts and which can also significantly aid performance management.
2. To enhance timeliness in justice delivery there is need for judicial officers and staff to acquire general IT skills.

CONCLUSION

The Conference resolved that all stakeholders should do everything possible to ensure that the outcome and recommendations of the Conference are taken forward so that they can be used to devise a systemic process that will assist the judiciary to meet the challenges of justice delivery in the 21st century.

