

23rd Sept 2011

Chief Justice of Nigeria,
Supreme Court Complex,
Three Arms Zone, Abuja

Dear Hon. Chief Justice of Nigeria,

Congratulations on Confirmation of Appointment: A Plea to Pursue Reforms Tenaciously

We write, again, to congratulate you on your substantive confirmation as Chief Justice of Nigeria and reiterate our wishes for a very fruitful and peaceful tenure marked by many landmarks of achievements.

Your Lordship was quoted this week as saying that you want to pursue judicial reforms, affirming that “the Judiciary will not fall under your watch”. First, we write to salute you for acknowledging that “things are not as they ought to be”. This acknowledgment we believe clears the way for remedial action; indeed, as many have observed, the pretences of the past years that “all is well with the Judiciary” have not helped us at all but instead obstructed reform. You were also reported to be working towards establishing a Committee to propose reforms towards making the judicial system “simple, fast and efficient” and commence a process leading to a “broad overhaul of the judicial system with a view to increasing judicial efficiency and enhancing the perception of the public regarding our capacity to dispense justice in her pure form.” Your Lordship's proposals are, with respect, thoughtful and expedient, and we especially welcome them at this time and salute you for embarking on a nearly unprecedented course of action. The federal judiciary has traditionally supported judicial reform initiatives, but often shies from initiating it itself. This is why you will probably be scoring a first with your initiative and we really look forward to the effectuation of your plans.

Your Lordship would permit us to offer a few ideas from the standpoint of a civil society group active in judicial reform advocacy and as consumers of judicial services. In addition to reforming the recruitment policies of the Judiciary, we think that the Committee should be enjoined to address the following issues:

1. Enhance Integrity, transparency and accountability of judicial officers. This would involve recommending strong action in fighting judicial corruption;
2. Strengthen judicial oversight bodies - such as the Judicial Service Commissions and the National Judicial Council (NJC) - to make them more independent, effective, proactive and better capacitated and able to achieve their constitutional objectives;
3. Strengthening judicial performance and efficiency in the delivery of justice services
4. Enhance the speed of delivery of justice services, and, particularly for the appellate courts, deliver proposals for new Court rules and protocols towards speedier completion of appellate cases;
5. Rebuild public confidence in the administration of justice and justice institutions and reduce costs of access to justice

These do not cover the entire spectrum of areas where reform is needed, but we suggest that your programme should include these.

Your Lordship's time as Chief Justice of Nigeria is limited, so time is of essence. Fortunately, there have been remarkable prior and rigorous efforts in some of the highlighted areas that have analyzed existing challenges and offer solutions worthy of consideration and Your Lordship could possibly make use of these already available "solutions" rather than spend scarce time "reinventing the wheel". For example, in 2010, the United Nations Office of Drugs and Crime (UNODC) in conjunction with the National Judicial Institute organized a conference to evaluate the NJC's extant system of judicial performance auditing, comparing it with international models. The conference harnessed very useful ideas for enhancing judicial performance monitoring which can benefit the Judiciary. We urge you to look at the possibility of integrating the ideas of that conference into the work of the NJC in order to strengthen the oversight of Judges' work and create stronger incentives for improved judicial services. This would be a very important way to improve public confidence in our courts. On our part too, we have undertaken a comparative study of judicial recruitment systems worldwide and, in the attached monograph, present these findings to you.

Lastly, permit us to say, Your Lordship, and we say this with utmost respect, that in view of the tensions created by the NJC's decisions lately, Your Lordship's efforts to win back public confidence would resonate better if you, as Chairman of the NJC, requests that body to reverse those (recent) decisions that have triggered strong and wide public resentment so as to ease the tensions which now define the relationship between the public, the stakeholders and the Judiciary. We have no partisan interest in making this advocacy and only want to see that the public and stakeholders in the administration of justice have the confidence to buy-in to the vision you have laid out. Thank you for your consideration of these proposals and we wish you again, a very fruitful tenure. Please find enclosed the resources we talked about.

Yours sincerely,

Joseph Otteh,
Director, Access to Justice.

About Access to Justice

Access to Justice (AJ) is a non-profit, independent and impartial justice advocacy organization based in Nigeria whose work seeks to defend rights of equal and non-discriminatory access to justice, defend the rule of law and the rights of people and communities to dignity. AJ also seeks to promote integrity, autonomy, accountability and transparency in justice and legal institutions. AJ is the recipient of the first-ever Nigerian Bar Association Chief Gani Fawehinmi Award for Human Rights and Social Justice (2010) and the MacArthur Foundation Award for Creative and Effective Institutions (2009) among other recognitions.