



Report of the Vision 2020
National Technical Working Group
On

Judiciary and Rule Of Law



July, 2009



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FOREWORD

On April 18, 2009, the Hon Minister and Deputy Chairman, National Planning Commission, inaugurated 29 National Technical Working Groups (NTWG). Each NTWG comprised experts and experienced persons who were nominated on merit to work on the thematic area(s) assigned. Each NTWG was tasked to critically examine issues, challenges and opportunities facing its theme with a view to coming out with a Vision Statement which envisages a future that is remarkably different from the present and which is brought about as a result of set goals, objectives, initiatives and actions purposely taken towards its actualization. The main object is for each NTWG to propose appropriate policies for adoption and initiate actions the concomitant effect, which will transform and catapult our nation to become one of the 20 top economies of the world.

The Judiciary and Rule of Law NTWG, inaugurated along the others, is the Committee which I had the privilege of leading as Chairman with the able assistance of Hon Justice A G Karibi-Whyte as my deputy. It has the complement of retired judicial officers, Senior members of the Bar, distinguished legal practitioners, senior academics and other members with varied and cognate experience. Over the course of six working sessions held between May 3 and July 17, the committee met at plenary to critically examine the various issues under its scope and in syndicate groups to facilitate more detailed analyses which led to the adoption of its various recommendations as contained in the Vision Statement, objectives, goals and initiatives and as outlined in the following report.

In preparing this report, we have endeavoured to meet the requirements of the template designed by the NV20:2020 Secretariat and its consultants, the Accenture. However, where this is deemed appropriate, we have modified it to suit the nature of recommendations made, initiatives proposed and the peculiarity of the subject-matter. We must, however, point out the constraining effect of the tight schedule of work imposed, the short time allocated and the incapacitating lack of necessary facilities to assist with the heavy demand of the work assigned. These have impacted somewhat to affect the depth and quality of the visioning process for the Committee. Be that as it may, members have given it their best efforts and worked tirelessly to prepare and present this report. We believe we have proposed a scheme for our thematic area that should enhance the independence of the judiciary, deepen respect for the rule of law, bring about prevalence of law and order in the society, facilitate affordable access to justice and



speedy resolution of disputes and stimulate economic growth, enduring prosperity, security and political stability.

We can only hope that the sceptics will be proven wrong such that sufficient political will be mustered, the necessary consensus built and the reform measures pursued with vigour and determination.

Hon Justice S.M.A. Belgore
Chairman



ACKNOWLEDGEMENT

In my capacity as Chairman, I wish to place on record my immense gratitude to all the members of our Committee who have given their all to make the meetings lively, the contributions enriching and the outcome very productive. They have done all these despite all the constraints, inconveniences and not a small amount of hardship encountered. We wish to thank the NPC representative on the Committee and the Secretary, both of whom are professional colleagues who made their own contributions, related well with members of the committee and attended to our needs as best as they could, in the circumstances.

As a Team, we wish to express our deepest appreciation to the National Steering Committee of the Vision 20:2020 for the opportunity it has afforded us to serve our nation and contribute towards the evolution of a set of policies, strategies and actions that, if and when implemented, will go a long way in transforming our nation for the better. We place on record our immense gratitude to the Hon. Chief Justice of Nigeria for coming to our rescue by providing the very serene and conducive facilities of his conference hall to serve as venue of our meetings. We must thank the Chief Registrar of the Supreme Court who made all the necessary arrangements to facilitate this. We are equally grateful to the Executive Secretary, Federal Judicial Service Commission who went beyond the call to duty to provide their Conference room as alternative venue when the need arose. In addition to the secretarial facility she has placed at our disposal, we must not fail to mention that we have thoroughly enjoyed the hospitality extended in the form of sumptuous lunches and snacks served. We place on record our appreciation to the entire support staff and the ICT department of the Commission, who have greatly facilitated our work at a very critical stage.

Hon Justice S.M.A. Belgore
Chairman



EXECUTIVE SUMMARY

Vision statement- *'A Constitutionally guaranteed independent and efficient judicial system that ensures respect for the rule of law and promotes a jus, democratic, prosperous and stable society'*

This report sets out, in the context of its vision statement, by taking a holistic assessment of the Judiciary in Nigeria as an institution and an arm of government, its corporate compositions and structure against the need to position it as a facilitator for social transformation and rapid economic growth, particularly, by the year 2020. The report also examines the concept and content of the rule of law in Nigeria against the background of the socio-economic and political realities as well as the imperatives and strategies for achieving an efficient legal environment by the year 2020. All of these are based contributions by members, the close review of several reports and literature and a comparative analysis with other countries in the developed and developing world generally, with a view to modernizing and improving the situation.

Specifically, the report looks at the 1999 Constitution, identifying a number of areas requiring immediate amendment so as to enable the realization of the vision target; it argues for the enhancement of Judicial independence and accountability; it looks at Judicial officers quality- their training, welfare, support services, clerking system, mechanism for the enforcement of judgment and general institutional structure vis-à-vis our federal system The report assessed the Nigerian court system- need for specialized courts, alternative dispute resolution- ADRs, and procedural issues to achieve fast track of judicial process.

Also examined are the roles of the Executive in the Judicial system, law enforcement agencies like the Police, Prison service, anti-corruption agencies like the EFCC, ICPC and the Code of Conduct Bureau as they interface and impact on smooth running of service delivery in the judicial system in a federal structure. The role and the need to reposition through curriculum content rework several key institutions within the Nigerian legal system such as the Faculties of Law in the universities, Nigerian Law School, National Judicial Institute and Nigerian Institute of Advanced Legal Studies.

Human Rights and its basic challenges came under focus in this report. The role of the Attorney General and Minister of Justice as an office that should regulate law enforcement and justice



administration generally; the inhibiting situations- political, multiplicity of law enforcement agencies and the need to consolidate them, the desirability of establishing independent national agencies to drive criminal justice administration such as National Prosecution Authority, Serious Fraud and Economic Crimes Commission.

The report contains broad articulated experiences of several common law and other jurisdictions (Britain and the USA). However, specifically itemized are key learning points from the following countries- India, South Africa, Canada and Malaysia. Also examined is Ghana within the West African sub-region. Set target in the report are, a judiciary whose independence is constitutionally guaranteed, complete and unconditional adherence to and observance of the rule of law, speedier justice delivery as a catalyst for economic growth and prosperity, improvement on the integrity of the judicial process and personnel, an ICT driven judicial process, reformed and harmonized adjudicatory procedure, adoption of formal and informal ADRs.



1 Introduction

1.1 Overview of Judiciary and Rule of Law

The vision 2020 programme plan is a comprehensive guide to position Nigeria as one of the top 20 largest economies in the world by the year 2020. The key objectives of the programme are to stimulate Nigeria's economic growth and launch the country on the path of sustained and rapid economic development.

The National Planning Commission has identified 29 thematic groups to develop templates that will launch this. This report is the result of the work carried out by the Judiciary and the Rule of Law Thematic Group. In this context, Judiciary means that part of government responsible for the country's legal system, which consists of all judges and personnel in its courts and is enshrined in the Constitution. On the other hand, the rule of law does not have a precise definition. It can however be understood as a legal political regime under which the law restrains government by promoting certain liberties curtail certain excess and creating order and predictability regarding how a country functions. The rule of law is that standard by which all persons in a country are regulated. It is shaped by an independent and neutral judiciary even where the legislature and executive are involved. Economic growth, political modernisation and the protection of human rights are all objectives of the rule of law.

The aim of this report is to critically examine the country's legal system, conceive of a vision that will position it as a facilitator and draw up necessary initiatives and objectives to serve as a catalyst for the anticipated growth. The Group reviewed the current position, identified key issues, set out goals/strategies and initiatives and has developed a road map to drive the process.

1.2 Scope of the Judiciary & Rule of Law Strategic Plan

In the light of a very lively debate over the list of materials identified and referred to by members; the contribution of members on these; by reference to other resource materials supplied by the Secretariat; and drawing heavily from the vast and varied experience of the distinguished members of the committee, the Committee distilled the following themes and areas for consideration by the Group:

a. Judiciary



- Constitution
- Judicial Officers – Training, integrity, clerking system, enforcement officials
- Infrastructure development
- The role of executive in the judicial system
- Law enforcement agencies and other relevant agencies (National Judicial Council, Federal and State Judicial Service Commissions and all Courts and Tribunals)
- Independence of the judiciary

b. Rule of Law

- Human Rights
- Roles of Attorney General and Minister of Justice
- Roles of State Attorney General and Commissioner of Justice
- Roles of Director of Prosecutor
- State Prosecutors
- Administration of criminal justice

1.3 Overall target for the Thematic Area

The Committee aims to achieve the followings:

- A judiciary whose independence is constitutionally guaranteed
- Complete adherence to and observance of the rule of law
- Speedy dispensation of justice that will serve as a catalyst and facilitator for economic prosperity, augur for democratic governance and stability
- Improvement on integrity of the judicial process and its personnel
- An ICT- driven judicial process
- A reformed and harmonized civil and criminal procedure rules that will facilitate dispute resolution in courts and augur for greater accessibility
- Adoption of formal and informal Alternative Dispute Resolution (ADR) mechanisms



1.4 Process Involved in developing the Plan

In developing this plan, the group worked together in plenary sessions and also broke out into syndicate groups to come up with the report. The approach adopted for coming up with the report included:

- An assessment of current situation involving a review of the judicial system
- Analyses of issues and challenges which impinge on the vision process
- Appraisal of existing opportunities
- Consideration and adoption of vision statement, objectives, goals and strategies
- Consideration and adoption of appropriate roadmap for the attainment of the vision



2 Current Assessment of the Thematic Area

2.1 Global Trends on the Thematic Area

An analysis of the judicial system and the rule of law, especially in the following English common law and other jurisdictions – England, India, Malaysia, Ghana, South Africa, Canada and others. Drew out lessons pertaining to ways and means by which these nations have achieved the following:

- Enhancement of the independence of the judiciary
- Reform of rules of procedure
- Enforcement of judgments
- Court decongestion
- Effective deployment of ICT to facilitate court processes

2.2 Comparative Benchmarking Analysis

A. CANADA:

This component is based on the report on justice reforms in Canada captioned: “*Into the Future Civil Justice Reform in Canada 1996 to 2006 and Beyond*”, submitted in December 2006.

Overview of Canada’s Justice Systems and Rule of Law:

- Specialized courts
- Regionalized Appellate court systems
- Decentralized judiciary systems
- Rule of Law made matter of social imperative for everyone
- Special right-based document “Charter of Right and Freedoms” strongly construed by all courts in Canada
- Decentralized security (Policing) systems
- Promotion of Rule of Law and due process as national values
-

Highlights of the Justice Reforms Report Recommendations

The following is the highlights of the recommendation from the Canada’s civil justice system report suitable to the focus of this thematic group:



RECOMMENDATION 1:

Every jurisdiction

- (a) Make available as part of the civil justice system opportunities for litigants to use non-binding dispute resolution processes as early as possible in the litigation process;
- (b) establish, as a pre-condition for using the court system after the close of pleadings, and later as a pre-condition for entitlement to a trial or hearing date, a requirement that litigants certify either that they have availed themselves of the opportunity to participate in a non-binding dispute resolution process or that the circumstances of the case are such that participation is not warranted or has been considered and rejected for sound reasons; and
- (c) Ensure that individuals involved in helping litigants in non-binding dispute resolution processes have suitable training and support to carry out this function.

IMPLEMENTATION POINTS:

- Providers of dispute resolution services could include court personnel, judges, the private sector, or a combination of these.
- Dispute resolution services could be court-annexed, provided by the private sector, or some combination of these two.

RECOMMENDATION 2:

Each jurisdiction through its rules of procedure impose on all litigants a positive, early and continuing obligation to canvass settlement possibilities and to consider opportunities available to them to participate in non-binding dispute resolution processes.

RECOMMENDATION 3:

Every court undertake studies or pilot projects to determine best practices concerning the integration of non-binding dispute resolution processes in the post-discovery stages of litigation.

RECOMMENDATION 4:

Every court has a case-flow management system to provide for early court intervention in the definition of issues and for the supervision of the progress of cases.

RECOMMENDATION 5:



The design of a case-flow management system should be at the discretion of each court, at a minimum systems should provide for

- Early court intervention by designated and trained individuals in all cases;
- The establishment, monitoring and enforcement of timelines;
- The screening of cases for appropriate use of non-binding dispute resolution processes; and
- Reliable and realistic fixed trial dates.

RECOMMENDATION 6:

Every court that does not currently provide for fixed trial dates develop practices and procedures to ensure greater certainty and reliability in the fixing of trial dates.

RECOMMENDATION 7:

Every jurisdiction provide for case management in all cases where there is a need for judicial supervision or intervention on an ongoing basis.

RECOMMENDATION 8:

Every jurisdiction provides a multi-track system for the resolution of civil disputes.

RECOMMENDATION 9:

Every court set timelines for the overall determination of civil cases and develop suitable means which to enforce such timelines.

RECOMMENDATION 16:

Every jurisdiction

- (a) Amend its rules of procedure to limit the scope and number of oral examinations for discovery and the time available for discovery, and
- (b) Devise means to assist parties in scheduling discovery disputes in an efficient manner.

RECOMMENDATION 17:

Every jurisdiction amend its rules of procedure concerning experts to

- a) Require early disclosure of expert report,
- b) Provide for the exchange of expert critique reports in a timely fashion before trial or hearing,



c) Impose a continuing obligation to disclose expert reports as they become available.

In every jurisdiction, judges play a more active role in assisting parties to limit the costs and delay associated with the use of experts

RECOMMENDATION 19:

Every jurisdiction

- a) Strictly limit appeals from non-dispositive interlocutory orders,
- b) Provide for costs awards in suitable cases, payable immediately, in interlocutory matters, and
- c) Introduce strict financial sanctions, payable immediately, for clear cases of abuse.

RECOMMENDATION 20:

Every jurisdiction provides for, and promotes the use of, summary trial procedures.

RECOMMENDATION 21:

Every jurisdiction to

- a) Develop a system of incentives and sanctions to encourage settlement and the prudent use of court time, and
- b) As an essential component of such a system, undertake a reassessment of current indemnity principles.

RECOMMENDATION 22:

Every appellate court

- a) Develop and promote the attainment of the following goals:
 - i. The initiation of appeals within 30 days after the filing and service of the trial judgment;
 - ii. The hearing of appeals within 9 to 12 months after the filing of a notice of appeal; and
 - iii. The rendering of judgments promptly and, save in complex cases or where new questions of law are being developed, by no later than 6 months from completion of the appeal; and
- b) Develop procedures to monitor performance against these goals

IMPLEMENTATION POINTS:

- o Members of the judiciary, lawyers and notaries and provincial and territorial law societies should become more



- involved in public education efforts;
- Public legal educators should be encouraged and supported in efforts to share information and identify best practices;
- Courts should consider the use of media liaison officers to assist in communication efforts; and
- Special consideration should be given to the unique access issues that will arise as part of a civil justice public education program.

RECOMMENDATION 27:

Every court provide point-of-entry advice to members of the public on dispute resolution options in the civil justice system and available community services.

RECOMMENDATION 29:

Every court establish an advisory committee composed of members of the public and others involved in the civil justice system for the purpose of obtaining advice on

- a) Ways to improve the administration of civil justice,
- b) Reducing or removing barriers to access, and
- c) Implementing, evaluating and monitoring reform measures.

RECOMMENDATION 31:

Every jurisdiction establish a suitable model for management and administration of the courts that embodies the following:

- a) Preservation and enhancement of judicial independence in both its individual and institutional elements,
- b) Preservation and enhancement of the independence of the Bar,
- c) Strong community input and public involvement,
- d) Recognition by governments of the need for autonomy in the management and administration of the courts while ensuring accountability for the expenditure of public funds,
- e) Within the model chosen, clear lines of responsibility and accountability for administrative and operational matters,
- f) A commitment by government to provide adequate funding and administrative infrastructure,
- g) Recognition by governments in budgeting processes of the revenue-producing aspects of the court system and of cost recovery achieved through court fees, and



h) Provision for enhanced training and development to create additional well-trained and efficient court administrators and managers.

RECOMMENDATION 39:

- a) Law schools, Bar admission course educators and continuing legal education providers offer education and training on dispute resolution options and on the means by which they can be integrated into legal practice, and
- b) Such courses be mandatory in Canadian law schools and Bar Admission course programs.

RECOMMENDATION 49:

- a) The Canadian Council of Law Deans form a joint multi-disciplinary committee to consider and propose a comprehensive legal education plan to assist in civil justice reform for the twenty-first century, and
- b) The plan address the whole spectrum of service providers and the full range of educational opportunities.

B. INDIA

1. **A** study of Indian Judiciary and rule of law situation shows ample similarities in the challenges and opportunities this sector is facing in Nigeria currently. The difference however is that while India recognizes and is very eager to surmount these challenges, projecting itself with all zeal into the leading economies of the world. Nigeria is yet to set the clear goals for herself and set about working on them. An Indian Supreme Court Judge, Justice Rajendra Babu in 2004 discussed the four key ways the judicial functioning can impact on the economic sphere thus;
 - i. Technological process by which the law can serve as a catalyst for economic growth if it helps to protect intellectual property and encourage people to become more innovative.
 - ii. Investment by which a judiciary which assures property rights, protection of capital, access to land, enforcement rights will directly encourage the inflow of foreign capital into the country
 - iii. Efficiency in terms of the need for a well functioning judicial system facilitating optimal use of resources within the economic sector



- iv. A judiciary that actively secures property rights against administrative expropriation particularly where state are parties to the contract and choose to act outside the agreed terms.

Key Lessons from India

- Specialised courts as a means of efficiency in judicial functions;
- Streamlined court process and frontloading to eliminate cumbersome procedures and speculative litigation.
- Increase the number of judges and fill all vacancies. (India is slow because of its collegiate system of judges nominating persons into judicial offices instead of the Executive branch)
- Shortened appeal process to avoid use of procedural technicalities as a device for delay
- Attraction of highly competent persons to judicial office and enhance compensation for judges
- Enhanced use of information technology, ICT, full scale computerization, and others in the judiciary as an institution as well as by judges themselves
- India has several traditional alternative dispute resolution mechanism, courts and informal courts
- Financial independence and being canvassed in India is the retention of a percentage of awards as court fees
- Oversight and strict regulation of judicial conduct, enforcing standards and punishing poor judicial output

India believes the economy must be premised on the following to grow rapidly;

- i. Privatisation
- ii. Eliminating All Monopolies
- iii. Removing Strict Regulations
- iv. Improving Infrastructure
- v. Improving Environment

C. Malaysia

OVERVIEW OF MALAYSIAN LEGAL SYSTEM



Malaysia is a former British colony and this explains a lot into the workings of the judicial and legal system of the country. The country has a unified judicial system and all courts take cognizance of both Federal and State laws. Until 1985, the Judicial Committees of the Privy Council continued to act as the Highest Court for the hearing of appeals from the courts of Malaysia. The Federal Court, the highest court in the country hears appeals from the High Court of peninsular Malaysia, the High Court of Sabah and Sarawak as well as subordinate courts. The Federal Court, of which the yang 'dipertuan agong' sits as head, has original jurisdiction in determining disputes between the States and the Federal Government or among States. The Federal Court consists of the Chief Judge, the two Chief Judges of the High Courts mentioned above and seven other judges; thus presenting in essence a unique symmetry amongst the superior courts of the land.

The judiciary has traditionally functioned with a high degree of independence. Most civil and criminal cases are fair and open. The accused must be brought to court within 24 hours of his arrest. Defendants have the right to counsel and to bail. Strict rules of evidence also apply and appeal is available to higher courts.

The quorum for sitting in the Federal Court of Malaysia also offers a unique feature into this country's judicial system. The court is empanelled when it sits as a panel of 3 judges. The CJ may empanel a larger body depending on the circumstances and nature of the case. The court was empanelled as a court of 7 justices for the first time on February 5, 1996 when it sat to consider the standard of proof required in criminal cases. The Federal Court can in exceptional instances constitute itself as a court with only a single judge. This arises in situations where the court is to determine interlocutory matters or grant certain injunctions brought before it in a manner which will aide quick disposition of such cases.

Malaysia in league with other Asian countries has moved at a fast rate in incorporating the use of Information Technology in the administration of justice. The country has only recently decided to begin the use of video conferencing and other ICT facilities following the successful implementation of a pilot project in Sarawak. The use of this facility has given hope for greater advancement in the administration of justice and in ensuring that the determination of cases is sped up and that there is convenience in the courts. Use of these facilities would mean that a court may sit in one part of the country and hear evidence in another part of the country. This saves the court's time and provides cost effectiveness to litigants especially in the area of tackling problems of distant journeys.



The legal system in this country is also noted for uniqueness in terms of its policy of enrolment to practice. Upon obtaining an LLB Degree, an aspirant to the Bar will have to undergo some period of tutelage under a law firm. There is emphasis on this stage of training as this exposes the student to real litigation practices. This period is commonly referred to as 'chambering' and would usually last for 9 months. There is little or no remuneration for aspiring lawyers during the period of chambering. In the course of undergoing tutelage, the law student would be required to take a series of exams success at which will entitle him to be called to the Malaysia Bar.

In terms of practice as a legal practitioner in Malaysia, there is a fused system. A lawyer in this jurisdiction may practice both as a solicitor and as an advocate.

The Judicial and Legal Service Commission (JLSC) of Malaysia was established by virtue of Art. 38 (1) of the Federal Constitution. Membership is provided for in the Constitution and is stated to be made up of the chairman of the Public Service Commission who shall be chairman, the Attorney General and another member to be nominated by the Chief Justice. Art 144(1) provides the function of this body to be appointment, confirmation, promotion, transfer and exercise of disciplinary control over members of the service.

The legal system in Malaysia has also put in place the necessary laws and infrastructure for its commercial business development. This is most visible in the establishment of the Regional Centre for Arbitration in Kuala Lumpur.

KEY LESSONS:

- There is a distinct separation of the powers of the executive and judicial arms of government in Malaysia and this makes for the smooth functioning of the latter without unnecessary intervention from the former.
- Advancement in the use and practice of information technology has in league with other Asian countries put Malaysia in the forefront of countries ready to make positive impact in justice administration through the use of modern gadgets.
- A close look at the Malaysian legal system will reveal a cross fertilization of various legal regimes including British, Islamic and the traditional systems in a manner which encourages the assimilation of the positive aspects of these regimes.



D. South Africa

The South African legal system derives essentially from the Roman-Dutch law and the English legal traditions. The latter was introduced in 1806 and has been very much noticeable in criminal procedure, constitutional, corporate and mercantile law. However, in the area of the law of persons, property, succession, sale and lease, the former has been the most influential having introduced by the early Dutch settlers about the seventeenth century when they began to arrive. Other sources of South African law includes legislations, precedents, customary law, international treaties and opinion of accomplished legal scholars.

South Africa has its political capital in Pretoria, Legislative capital Cape town while the Judicial capital is in Bloemfontein where the Supreme Court of Appeal (SCA) seats. However, the Constitutional Court created post apartheid in the 1994/6 Constitution strictly as the final court for all constitutional issues sits in Johannesburg. This court is composed of a President and ten Justices, six of whom are appointed by the National President on the advise of the Judicial Service Commission. The other four Justices are appointed by the President from among the Judges of the Supreme Court. The Supreme Court of Appeal is composed of a Chief Justice and a number of Judges of Appeal sitting on final appeal in all but constitutional matters.

Chapter 8 of the South African Constitution defines the structure of the country's judicial system. This chapter equally guarantees the independence of the court and requires the other organs of the state to assist and protect the courts in order to ensure their 'independence, impartiality, dignity, accessibility and effectiveness'. Under section 165- it enables the existence of the general courts, that is, the Appeal Courts, High Courts and Magistrate Courts as well as the following special interest court- Land Claims Court, Labour Courts, Competition Tribunal and Appeal Court, Special Court for Income Tax Appeal, Court of Commissioner of Patent, Copy Tribunal, Water Tribunal, Divorce Tribunal, Equality Courts, Children's Courts and Chiefs and Herdsmen Court.

The Bill of Rights in the Constitution is easily one of the most radical provisions. The rights so enumerated such as right work, shelter, healthcare, education, etc are of full legal effect and enforceable against the government or any of its agencies. There is also in the prohibition of all forms of discriminations against persons on any ground and the constitution embodies a full expression of individual rights.



In terms of the Legal Profession, there are two categories the **Advocates** (Barristers) and the **Attorneys** (non- barristers). Although, both must pass the LLB exam to become a lawyer, the former has a right of appearance in all the courts requiring the conduct of the case by a lawyer while the latter can only appear as of right in the lower courts and in superior courts only upon application. The law regulating this is The **Right of Appearance in Court Act**.

An important institution in South Africa's criminal justice administration is the National Prosecuting Authority responsible for prosecuting criminal matters on behalf of the State headed by a Director of Public Prosecution. It is expressly embodied in the Constitution that the laws of the Parliament must at all times ensure that the NPA is independent and carries out its functions without fear, favour or any prejudice whatsoever.

The South African Police is a national police force. It is however highly decentralized in command and operations down to the provinces and districts. It is considered one of the most well equipped police forces in the world, well trained, motivated and efficient. The South African prison service called Correctional service is also structure along the same line as the Police force with command at the various provincial levels.

The Judicial Service Commission of South Africa is made up of a. the Minister of Justice, b. the Chief Justice of South Africa, c. two practicing Advocates, d. two practicing Attorneys, e. six members from the National Assembly three of whom must be from the opposition, f. four members from the National Council of Provinces.

Key lessons.

- I. The South African Judiciary and legal system has demonstrated a capacity for complete reorientation from the pre-apartheid times to the current majority rule without disrupting the delicate balance of the various institutions.
- II. The Judiciary has further demonstrated adaptability in terms of service delivery through the existence of highly specialized courts dealing with various sectoral matters. The visible independence of the criminal administration sector majorly free from political interventions have helped further to entrench the feeling of equality before the law.
- III. The Judiciary and legal system continues to keep pace with challenges emerging from rapid and increasingly sophisticated economic development and financial services sector.



- IV. The multi-faceted legal origins of the South African system- Dutch, English and African customary laws has enabled it to draw from all these systems resulting in an increased universalization of the legal framework.
- V. In terms of infrastructure, the courts have enjoyed proper funding in all budgetary cycles such that as far as possible the judiciary and police services are have all modern gadgets for effective dispensation of justice.
- VI. Cases of corruption are reported and investigated periodically, but it is obvious that the system has zero tolerance.

GHANA

Ghana has passed legislation to establish independence for its judicial sector and instituted practical improvements in the administration of justice. Civil society and oversight institutions have played an important role in promoting these reforms. However, weaknesses in the constitutional and legislative framework still exist. Many administrative reforms have not been enacted into law.

The main achievements and outstanding issues in Ghana's justice sector reform process are as follows:

- Ghana has ratified international human rights and rule of law treaties. The Constitution guarantees civil/political rights. Nevertheless, international treaties are not routinely incorporated into national laws and judges are not trained to apply international law principles.
- Despite the fact that the Constitution specifies the separation of powers and checks and balances, the Attorney General is also the Minister of Justice. Whilst the government generally obeys the laws of the land, there is a perception of executive influence in pardon and immunity cases.
- Systems to address judicial misconduct are in place. Administrative reforms include automated courts and pre-trial settlement procedures to reduce court delays. However coordination and cooperation between judicial levels is weak and long court delays persist. The judicial appointments process is flawed.



- The presumption of innocence, the right to a fair trial and the right to representation are codified, and legal aid is provided. However, there is a geographical imbalance in court distribution and a perception of judicial corruption. While some prison construction has occurred, sentencing and prison management laws are out of date and overcrowded, inadequate prison conditions prevail.
- Crime data collection has improved. Mechanisms exist to check police behaviour and complaints about the police have decreased. However, there is no national crime prevention strategy and allegations of police abuse and corruption continue.
- Donors have played a significant role in promoting sector reforms. However, donor coordination is generally weak. Funding is often driven by donor agenda rather than local needs.

Ghana adopts a system-wide approach to judicial its reform to ensure the integration and coordination of all sector roles, functions and activities. It also put in place appropriate regulatory frameworks to;

- Incorporate international human rights law principles into national courts;
- Separate the office of the Attorney General from that of the Minister of Justice;
- Adopt strict criteria for the granting of pardons and immunity;
- Amend the law to ensure judicial appointments meet international law requirements and adopt international best practices to reduce trial delays
- Conduct a national crime survey as a basis for the development of a national crime strategy; and
- Increase legal aid for the indigent

2.3 Key Learning Points

- Uphold independence of the judiciary
- Promote and Respect Rule of Law
- Encourage Training and Re-training of Judicial officers
- Support and Sustain legal aids Scheme
- Speedy dispensation of Justice
- Promote Constitutionalism
- Encourage a robust Civil Society operation
- Enforce National Anti Corruption Action Plan



2.4 Local Context of the Thematic Area

Nigeria inherited a judiciary and legal system as legacy bequeathed by the colonial Britain. Some of the substantive and procedural rules of this system are antiquated and are in great need of urgent reform. The legacy of military rules has also impacted negatively on observance of and adherence to rule of law and respect for human rights. In most cases, the judicial process and some identified extant laws and procedural regimes have tended to impact negatively on the investment climate. The onset of democratic governance has not altered the situation significantly.

2.4.1 Current Plans and Programmes of Nigeria

A. Memorandum on Court Rules by Hon. Justice S.M.A Belgore, CON, GCON (CJN, Rtd).

The paper looked into various matters focusing on how to modernize procedures and remove undue delay and cost. There is therefore much to draw from it in an effort to improve the speed and justice delivery in our court system.

- i. Civil procedure rules and ancillary matters, e.g., court rules, initiating proceedings, pleadings, motions, service and others.
- ii. Criminal procedure and related matters, viz Penal Code Law and its adaptability. Categorization of offences into indictable and non-indictable, felonies and misdemeanours creates problems and the modern trend is to have the body of the law supported by a schedule listing the offences, the punishments, and the courts that have jurisdiction to try them.

Civil Procedure Recommendations:

- (i) Comprehensive uniform rules for all the Courts of Record in Nigeria bound by the Evidence Act – Magistrate, High Court, Court of Appeal and Supreme Court. Other category of Courts (Customary, Area Court, Sharia, and others) will adapt within the uniformity framework. New Lagos High Court Rules good but have not gone far enough. Possible use of old English method of Master in Chamber procedure to settle in chambers. Also, rules setting out duties and responsibilities of Court Staff.



- (ii) All courts Initiating processes should be by way of filing a Complaint. Current methods of Writ of Summons Originating Summons considered archaic and time wasting in the light of present day needs. Also, Fundamental Human Rights procedure requiring leave of court to enforce a constitutionally guaranteed right is legally flawed.
- (iii) The Complaint will contain all facts; evidence and law that the party or parties wish to rely on. The adverse party having been served with all the fundamentals of the legal action- fact, evidence and law must reply to the Complaint by filing a response in like measure. The Complaint must also disclose a justifiable matter /course of action, or be struck out suo moto.
- (iv) Motions must be curtailed as they take inordinate procedural time. Some Judges in the Court of trial can be periodically detailed to take motions in Chambers and dispose of them to avoid clogging the main procedure/trial.
- (v) Service of process should be by the existing means of service of court process including electronic service.
- (vi) Amendment to already filed processes should rarely be permitted as they cause unnecessary delays but can be allowed in cases where it will not lead to a departure from the case, non-objection by the other party and in the interest of justice, and others.

Criminal Procedure Recommendations:

- i)* The Penal Code Law which currently applies in the Northern States of Nigeria is modern and can be recommended for the rest of the country because of its adaptability and flexibility.
- ii)* The Criminal Procedure Code Act/Law has provisions for indictable offences, non-indictable offences, felonies and misdemeanors which create needless nomenclatural difficulties in criminal law prosecution.
- iii)* In place of the attendant confusion found in the current CPC/CPA/CPL, there should be a 'schedule to the law with table indicating which court each offence can be tried'.



- iv) Police Force should be well trained to keep pace with increasing sophisticated methods of criminals. University graduates of various scientific backgrounds should be recruited and channeled to Police departments investigating crimes.
- v) Autre fois acquit procedure should be dispensed with when fresh evidence emerges from modern day technologies like DNA testing, and others.
- vi) The Evidence Act has been in this form with minor modifications since 1916. The Act is completely out of tune with modern developments in science and technology as well as method of investigation and needs drastic review.

B. The New Civil Procedure Rules In England, 1999:

This paper has much utility in terms of its highlights for civil procedure rules as we deliberate on improving the speed, accessibility and content of the adjudicatory process.

Highlights include:

- (i) **A more proactive and interventionist court** will be obliged to do the following- court imposed time deadline cannot be altered by parties as well as dates for trial; parties may be urged to use a suitable ADR court may require only one expert witness for both parties; court can stay a proceeding while awaiting ADR outcome;
- (ii) **Court orders to be viewed in the light of ‘overriding objective’**- court to deal with matters justly having regard to the parties being on equal footing during trial; saving litigants expense; dealing with matters proportionate to the amount in issue, importance of the case, complexity of issues and the financial position of each party, and others
- (iii) **Court will have extensive powers in making costs** having regards to parties making exaggerated claims; issuing proceedings without first notifying the other party through correspondence; failure to produce documentation in support of claim conduct of parties prior to and during proceedings; parties conduct during proceedings; also, instances where there is lack of cooperation between the parties, the court will award costs.
- (iv) **Parties pleadings now to be known as “Statement of Case”** and must contain a statement of truth signed by a representative knowing all the facts to be true; any representation of falsehood therein is treated as contempt of court punishable by



imprisonment. After service of statements of the case, court convenes a 'management conference' to make orders and set deadlines. The process demands front loading all facts and documents. Ambit of discovery of documents is enlarged as parties have pre-action disclosures of facts and documents.

- (v) **Part 36 Offer.** Finally, under this Rule, a claimant can make a formal offer to settle under Part 36 Offer. Failure to accept the offer by the defendant will lead to some consequences in the event that the claimant succeeds, e.g. payment of over 10% interest, pay greater proportion of claimants' costs, and others.

C. Vision 2010 Document

Not much work was done on the judiciary or the rule of law in the document in terms of conceptualization of the challenges in this sector or detailed prescriptions of comprehensive strategies for its transformation. However, the following were gathered from the report in terms of set objectives and strategies for its realization.

Objective

'To develop an effective and efficient judicial and law enforcement system'

STRATEGIES

- Restore respect for the rule of law and involve the community in legal reforms;
- Ensure an independent judiciary;
- Modernize and reform the Prison and Prison Service;
- Modernize the judiciary and improve the competence levels and overall condition of service of judicial officers;
- Improve access of the community to timely and fair justice by imposing time limit on judicial process;
- Reform, modernize and motivate the Police Force for improved effectiveness. Details of how to achieve this are given in the Action Plan in Section VI of this Report;
- Improve community access to the services of the Police.

Relevant portions of Action Plan section F (Law Enforcement and Defense)



- 46- *Enact and implement legislation to set up a Judicial Performance Commission – to monitor the performance of judges and enforce discipline; to be headed by a retired Chief Justice of Nigeria or Justice of the Supreme Court;*
- 47- *Enact and implement a code of conduct for judicial officers*
- 48. *Amend the draft constitution to provide that funds for the Judiciary should come from the Consolidated Revenue Fund*
- 49. *Amend the draft constitution to remove the requirement of Attorney Generals fiat before judgments can be enforced against governments.*

D. CAP 20: Security, Law And Justice

This paper assesses the imperative of a properly functioning judicial system for the overall harmony of an economically sustainable society. It pointed out some of the known weaknesses of Nigeria’s judicial system, viz. outdated law procedures, manual recording processes, unkempt court premises, attitudinal and ethical issues that delays the wheel of justice and erode public confidence in the system.

The paper further stated that Nigeria ranks among the least efficient legal systems in contract enforcement, commercial dispute settlement, complex court rules riddled with poor management and corruption insufficient police investigation and poor enforcement of judicial decisions. Prolonged criminal trials often lead to suspects’ detention in prison for periods longer than that prescribed for the offence. Complexity of process, high cost of legal service and lengthy process seriously disadvantage poor people, the uneducated and women.

Current policy of government in this area was also looked at by the paper. It mentioned six clear points such as rule of law; easy access to judicial instrument, fair hearing of legal cases; improved condition of service for judicial officers; freedom of the judiciary to dispense justice and improved prison facilities.

The paper identified the following major challenges:



- poor appreciation of the need generally for Rule of law;
- slow reform process lagging behind current situations in crimes, poor investigations resulting in overpopulating the prisons;
- poor cooperation and coordination amongst the various policing agencies;
- poor funding of the judiciary and police; delay in justice delivery; and
- need to develop framework for private public partnership (PPP).

In the area of policy , the paper emphasised that the judicial system will be enhanced in terms of service delivery with better Civil Procedure Rules, improved integrity and better accessibility of the judicial systems as well as deepening of the ADR mechanism. Five other policy measures mentioned in the paper are upholding the rule of law across board in Nigeria; improve justice delivery through speedy adjudication and resolution of disputes; promoting the use of other dispute resolution mechanisms; obedience of court orders and payment of judgment debt by government departments and agencies; finally, implementing initiatives that will enable access to justice and reduction of trial delays.

The paper went further to set the following targets:

- Institutionalizing the rule of law;
- Ensure enactment of reforms in the justice sector in three years
- Reduce awaiting trial by 50% in three years
- Place prison reform firmly in the agenda of Attorneys Generals within one year
- Ensure accused persons are not detained beyond forty-eight hours by Police, EFCC, ICPC, NDLEA, and others;
- Improve access to justice by indigent members of society in three years;
- Ensure compliance with court judgments by ensuring payment of judgment debt by government departments, agencies, and others within three years;
- Improve capacity of Justice Ministry and Legal Aid Council within three years.

The paper articulated eleven strategies for achieving the targets:

- Establishing a productive liaison with the legislative arm of government to enact appropriate bills
- Promote public awareness on legal rights
- Introduce domestic data for prisoners



- Fashion out a legal framework for takeoff of Public Private Partnership
- Deepen ICT penetration and use in all the courts
- Increase capacity building for the judiciary
- Computerization and automation of the courts
- Decongesting the prisons
- Improve quality of training for legal practitioners
- Track the resolution of critical matters pending before various arbitration tribunal all over the world
- Amend the Public Procurement Act in line with current policy.

The paper set three key expected outcomes:

- An effective justice system that is fair, timely and accessible to all;
- Entrenchment of the rule of law including systems which ensures sanctity and enforcement of contracts
- Enhanced public confidence through improved access to courts.

E. Nigeria: Country Report- African Peer Review

Objective 2: Constitutional Democracy and Rule of Law.

The report looked at Nigeria's presidential democracy, the electoral system, the clamour for constitutional reform, decentralization of local government and the need for electoral reform.

Objective 4: Upholding separation of powers including independence of the Judiciary.

The report here discussed the hierarchy of Nigeria's courts. It notes that though the Constitution guarantees judicial independence and power of judicial review, the judicial independence so guaranteed is frustrated by lack of fiscal independence. The situation is worse at the state level where state governors not only control the funds but also the disbursement of subsistence funds such as housing allowances, overhead costs and others leaving the much touted independence of judiciary at their discretion.



It reports further that lack of resources slows the judicial process and breeds corruption. . Poor funding and executive control leads to the manipulation of the judiciary. Despite the entire gloomy picture, the report still notes that in several cases in the current democratic experience, the judiciary has demonstrated integrity and independence particularly in the areas of electoral matters where candidates have been declared winners of elections the political parties notwithstanding..

The report made some recommendations;

- The judiciary and legislature are to manage their own budget to enhance their financial autonomy;
- Strict enforcement of fiscal autonomy of each arm of government
- The National Judicial Council should exercise greater responsibility in the appointment of judicial officers; and
- Judicial independence should be enhanced by increasing and rationalizing remunerations and terms of service mostly for non-judicial officers.

F. Central Bank Vision Paper Vision 2010 (for the Financial Services Sector- FSS)

The paper is highly recommended. It has much of our thematic focus.

The paper dealt with such issues as structure of Nigeria’s Judiciary, regulation of key players (Body of Benchers, Council of Legal Education, Disciplinary Committee, National Judicial Council, and others)

The paper identified some efforts towards speedy trials and ease of access to justice by means of computerization, stenographic machine in several courts, creation of commercial division in the Lagos High Court, Multi Door Court Houses in Lagos and Abuja, and others. The coming into being of the Investment and Securities Tribunal, the Economic and Financial Crimes Commission (EFCC), modernization and computerization of land registries as well as efforts at Cyber Crime Laws.

The paper also looked into the harmonization and integration of legislations to be all inclusive dealing with varied matters within the sector citing the example of the UK Financial Services & Market Act 2000. The move away from prescriptive models to generic and principles based legislations dispensing with legislative input in amending process practiced in the UK, India and



Singapore, and others; creating extra-territoriality in the application of laws e.g. as in the European Union and the UNCITRAL initiatives; speedy resolution of commercial disputes, emergence of financial ombudsman, modernization of antiquated laws, the need for anti-trust laws in the light of current mergers of companies and corporations threatening competition and the use of legislations as a trade facilitation instrument.

The paper discussed key issues and challenges in the sector, for example, slow and time consuming procedures in the commercial judicial adjudication process due to absence, as it were, of commercial courts and poor enforcement regime for contract as against countries like UK, Singapore, Dubai, and others; absence of key legislations that mirror or reflect global trends e.g., e-business and e-commerce laws, cyber crime laws, anti-trust legislations, and others; existence of inhibiting provisions of our laws e.g., Evidence Act, CAMA, BOFIA, and others do not have provisions for current commercial realities; absence of efficient data collation and retrieval system; finally, in this area, cumbersome and lengthy procedure for perfection of interest transfer in property.

Vision Statement

“To make the legal framework for Nigeria’s financial services the most robust, globally competitive and market friendly among emerging markets by the year 2020”

On its vision statement, key elements are robust framework, market friendly and global competitiveness.

The issues that can prevent the vision attainment are corruption, economic and financial crimes; lack of convergence legislation, weak law enforcement agencies; lack of efforts at trade laws harmonization.

The paper articulated the following strategic objectives and initiatives:

- Ensure justice sector reform for speedy, transparent and easy resolution of disputes
- Harmonize the divergent legislation and regulation in the financial services sector
- Ensure the creation of an appropriate legal framework for the International Financial Centre
- Ensure the promulgation of non-existing laws and modernization of laws to enhance efficiency in our legal system



- Ensure easy affordable and less time consuming procedures for perfection of property transfer and mortgages
- Ensure the harmonization of Community trade laws and practices with a view towards progressive unification of trade and commercial laws among the ECOWAS and AU countries.

The paper identified model countries whose strong points in their legal framework for financial services must serve as a guide, viz. United Kingdom, UAE (Dubai), Singapore, South Africa, India and USA.

In the UK for example, apart from being a common law country like Nigeria, the English Law has proven international stature, due to its integrated legal framework for universal regulation of financial services. In the case of India, we share the same colonial history, heavy population, diversity but it has overcome all these to record growth in all key sectors. India is reforming its legal system and has created avenues for speedy recovery of debt when it realized that regular courts were posing a hindrance.

G. NEEDS-1 Document

The NEEDS means the “National Economic Empowerment Development Strategy. The NEEDS document simply put, is a blueprint for Nigeria’s economic growth. It articulates broad economic framework for achieving stated objectives. NEEDS therefore is a clear strategy for achieving national greatness and strong values based on the following principles:

- Enterprise competition and efficiency at all levels
- Equity and care for the weak and vulnerable
- Moral rectitude, respect for traditional values and pride in Nigeria’s culture
- A value system for public service that results in efficient and effective service delivery to the citizens
- Discipline at all levels of leadership.

However as a guide to the theme- Judiciary and the Rule of Law, the document has little to be drawn from as it curiously treated this critical sector without any seriousness. Though some tentative prescriptions were made on the ways of improving the Nigeria Police Force as well as



reforming the Prisons, in the area of judiciary and access to justice, the document only ventured to suggest reviewing of rules and procedure of Nigeria’s civil court, reduction in the cost of litigation as well as reducing delays, ensuring equal opportunity for litigants and other end users. The document mentioned improving criminal justice administration and the protection of human rights.

H. NEEDS- 2 Document

The NEEDS 2 document is an effort at consolidating on the strategies and focus of the first NEEDS initiative.

Vision Statement

‘To develop a nation built on strong democratic principles, united, secure and stable, caring, economically, prosperous, socially inclusive, environmentally sustainable and a key player in the regional and global economy’.

The vision is premised on fast-tracking Nigeria’s development to an appreciable level of being among the first 20 economies by the year 2020.. Fittingly, respect for human rights, property rights and the rule of law are among the core values focused on by this document. It further includes justice and good governance as critical success factors if Nigeria is to achieve the targeted growth by the year 2020.

Again, the document on the issue of improving access to justice by all had this to say *‘The rule of law and access to justice are central to sustainable development. Initiatives undertaken to strengthen the weakened authority and autonomy of the judiciary during the military rule have led to renewed public trust in the judicial process’.*

In sum therefore, the NEEDS 2 document accepts the critical centrality of judicial process and rule of law in current strategic efforts at formulating a blueprint for a rapid development.

2.5 Issues and Challenges

The following is a summary of the issues and challenges identified:

1. **Structural and Institutional Weaknesses of a dysfunctional federal system:** This situation is characterised by:



- Centralised Court Systems;
 - Centralised Police; And
 - Centralised Prisons
2. **Obsolete rules of procedure which cause delays and enforcement challenges:** The need has been felt for the evolution of simplified rules of Civil Procedure which will augur well for expeditious dispensation of justice.
 3. **Multiple law enforcement agencies:** This lead to abuse and distortion of speedy dispensation of justice and related matters.
 4. **A legal and judicial system which is not investor friendly:** There is undue delay in our judicial process. This phenomenon results in denial of justice, dents judicial integrity, breeds uncertainty in legal relations, discourages aggrieved persons from pursuing legal remedies and serves as disincentive to investors.
 5. **Lack of access to affordable justice:** An acknowledgement that access to affordable justice, one which the ordinary people will relate well to, is not available.
 6. **Unstable systems, structures and institutions:** Recognition of the recurring incidence of corruption in our judicial system, amongst a few bad eggs among judges and legal practitioners would necessitate the adoption of additional ways and means of dealing with this malaise particularly as regards strengthening the institutional framework and mechanism for the discipline of legal practitioners.
 7. **A judiciary whose autonomy and independence needs enhancement:** The pressing and indisputable need to strengthen and enhance the independence of the judiciary in all its ramifications including its fiscal autonomy was highlighted. The question was discussed as to whether the interest of justice, the cause for the enhancement of the independence of judiciary and finding a remedy for the prevalence of multiple prosecuting agencies will not be best served with the adoption of a mechanism which separates the office of the Attorney General, at Federal and state levels, which is a purely professional office, from that of the



Minister/Commissioner of Justice, an office considered to be political and more belonging to the executive arm of the government of the day.

8. **Disregard for rule of law and disobedience of orders:** The need was highlighted to ensure the prevalence and respect for the rule of law, devising additional and more autonomous ways and means and institutional framework for ensuring that orders of the courts are obeyed and judgments enforced particularly by the Executive.

9. **A judicial and legal system lacking capacity:** This manifest more in the following areas:

i) **Attitudinal problems and the Nigerian factor:** A realization that, on the whole, there is not much that is wrong with the existing legal rules, judicial institutions, processes and the personnel entrusted with the dispensation of justice. At its core, our problem is attitudinal. Hence, any reform proposal must not only address or effect mere changes to rules, laws, institutions and processes but must address this key problem.

ii) **Infrastructure:** It has been noted that prison facilities are inadequate and the condition of prison inmates and other detainees are deplorable. These matters perturb the mind and call for a radical and urgent reform of our policing and prison systems.

iii) **Capability Issues:** Lack of continuous training for judicial officers and the falling standard of the legal education

iv) **Budgetary constraints**

10. **Other Issues include:**

- Prevalent and pervasive undemocratic practices which attend political party nomination processes,
- The recurring incidence of conflicts between organs of the state and tiers of government, and
- The need for devising a mechanism for a dispassionate and expeditious resolution of election petitions



2.6 Strategic Imperatives

- Amend Constitution to provide for State Police
- Amend Constitution to provide for creation of State Court of Appeal
- Amend constitution to provide for State prisons service
- Merging of existing anti corruption agencies and creation of serious fraud and economic crime office
- Capacity building for all levels of judicial officers
- Encouragement of IT use in Court
- Strengthening Law Reform Commission
- Expand and decentralise Legal Aids Scheme
- Promotion and adoption of Alternative Dispute Resolution Centres
- Promotion and adoption of Regional

2.7 Opportunities for Nigeria

Despite the issues and challenges, we feel the legal and judicial system in Nigeria is uniquely positioned to enable Nigeria assist her Vision 2020 objective based on the following identified opportunities within the legal and judicial system:

- A constitutional and democratic system of government
- Long-standing judicial tradition
- Federalism which augurs for and accommodates diversity
- A judiciary and rule of law constitutionally guaranteed and protected
- Human resource base that can favourably compete on a global scale
- Emerging political and constitutional stability
- Institutionalising Alternative Dispute Resolution (ADR)

3 Vision, Objectives, Goals and Strategies

VISION

“A constitutionally guaranteed independent and efficient judicial system that ensures respect for the rule of law and promotes a just, democratic, prosperous and stable society”

OBJECTIVES, GOALS, STRATEGIES & INITIATIVES

Objective 1		
Ensure the emergence and sustenance of an independent and efficient judiciary		
Goals	Strategies	Initiatives
Reposition the administration of justice in Nigeria in line with global trend and best practices	Constitutional i. Further enhance Judicial independence by entrenching and elaborating same in the Constitution;	a. Amend Constitution to provide for special courts to aid economic transformation and national development. b. Amend the constitution to enhance financial autonomy of the judiciary.
	Legislative i. Strengthen the monitoring capacity of the National Judicial Council (NJC) over judicial performance ii. Make laws for the following: e-business/ e-commerce, cyber crime, antitrust & privacy; iii. Amend inhibitive and limiting provisions in the	c. Prepare an amendment to that effect to be sent to the National Assembly d. Prepare a bill to that effect to be sent to the national assembly



Objective 1		
Ensure the emergence and sustenance of an independent and efficient judiciary		
Goals	Strategies	Initiatives
	<p>following laws: Evidence Act, CAMA, Land Use Act, Labour Laws, CBN Act, BOFIA, Bankruptcy Laws, Insolvency Laws, NDIC, Insurance Act, NAICOM Act, DMO Act, and others</p>	<p>e. Initiate a review process for the enumerated laws at the National Assembly</p>
	<p>Administrative</p> <p>i. Full computerization of the judiciary (to keep records, filing of court processes and payment of court fees on-line, e-service of process), police and other law enforcement agencies with necessary linkages for to facilitate information gathering/retrieval; creating a data bank for all criminal cases across the federation centrally managed;</p> <p>ii. Expansion of existing prison facilities and provision of recreational facilities that takes clearly specified number of inmates;</p> <p>iii. Develop a framework for prompt resolution and enforcement of awards in commercial/ contract disputes;</p> <p>iv. Enable the Court Bailiff/Sheriff to carry out these functions more effectively.</p>	<p>f. Appropriate funds through adequate budgetary allocation for full implementation</p> <p>g. Appropriate funds through adequate budgetary allocation for full implementation by such service providers</p> <p>h. Convene a national stakeholders (private & public sector) forum to articulate the specifics</p> <p>i. Amend the Sheriff and Civil Procedure Act</p> <p>j. Amend the specific provisions of the constitution sections 81(3) & 121 (3) accordingly</p>
To enable the judiciary capture the trust and	<p>Constitutional</p> <p>i. Amend the constitution ss-81 (3) & 121 (3) to ensure</p>	<p>a. Amend Sections- 84 (5) & 291(3) to pay judicial officers pension for life and list the</p>



Objective 1		
Ensure the emergence and sustenance of an independent and efficient judiciary		
Goals	Strategies	Initiatives
confidence of the citizenry and global community	financial independence by restricting explicitly executive discretionary control ii. Assuring the security of tenure for judges at all level through federally consolidated payment of salaries and pensions	CJN, Supreme Court Justices, and President Court of Appeal for pension at the rate the incumbents earn. b. Amend section 292 (1) (a) & (b) to allow only the National Judicial Council to investigate and recommend for removal any erring judicial officer before legislative review
	Administrative i. Continuous qualitative education and capacity building for all judicial officers ii. Ensuring that those charged with administration of justice discharge their duties with the highest standards of ethics, decorum and competence;	c. Empower National Judicial Council in terms of human capital; develop appropriate curriculum for judicial cutting edge training; enjoin partnership with universities, NIALS/ /research institutions d. Amend enabling Act of the Nat. Judicial Council spell out in more details functions / responsibilities / rules of conduct and enforce same against erring Judicial officers
To enable speedy dispensation of judicial services without compromising standards	Constitutional i. Creation of State Court of Appeal (SCA) to have coordinate jurisdiction with the existing Court of Appeal, to deal with all matters arising from the State High Court while other matters from the Federal High	a. Amend Chapter VII of the Constitution to include State Court of Appeal (complemented with minimum of nine Justices) b. Amend Part III (SUPPLEMENTAL) Segment B



Objective 1		
Ensure the emergence and sustenance of an independent and efficient judiciary		
Goals	Strategies	Initiatives
	<ul style="list-style-type: none"> ii. Provision for State Police to be enabled under strict regulation and standardization by a body to be known as National Police Board iii. Prisons to be created and run by states in addition to the current Federal prisons; 	<ul style="list-style-type: none"> c. Amend the existing laws to enable States build and run Prisons/ Prison Service
	<p>Legislative</p> <ul style="list-style-type: none"> i. Promote the use of other dispute resolution mechanisms such as court connected ADRs by making laws to that effect; make Nigeria a hub of dispute resolution (Arbitration and Conciliation) in Sub-Sahara Africa ii. To collapse the EFCC and ICPC into one agency to be known as Serious Fraud and Economic Crime Commission iii. To ensure that the prosecutorial and enforcement agencies comply with the rules and global best practices. 	<ul style="list-style-type: none"> a. Initiate a bill to enable Courts define and determine which procedure suits a dispute; initiate a bill for (a) new Arbitration & Conciliation Act and Rules (b) An Arbitration Centre Act (c) Arbitration Commission b. Initiate a bill to bring both agencies into the Serious Fraud and Economic Crime Commission c. Re-enact and enforce the Administration of Justice Commission Act 1991
To reorganize the court system, formalize all existing institutions within the hierarchy, create	<p>Administrative</p> <ul style="list-style-type: none"> i. CJN, President, Court of Appeal, Chief Judge Federal High Court, State Chief Judges to exercise constitutional powers (ss. 236, 248, 254, 259, 	<ul style="list-style-type: none"> a. Convene a stakeholders conference to reform Court procedural issues b. The CJN and body of all State Chief Judges to



Objective 1		
Ensure the emergence and sustenance of an independent and efficient judiciary		
Goals	Strategies	Initiatives
synergy and optimize utility of all judicial resources.	264,269, 274,279 & 284) and reform procedural rules (civil / criminal)with a view to saving litigation time and expense(see details below) ii. Creation of specialized divisions of courts such as-commercial, criminal, family / succession, serious fraud, land/property, and others supported with all necessary technological systems to facilitate optimal operation and efficiency in adjudicating and disposal of matters	make the administrative directive to constitute Courts along the specialize areas
	Legislative i. Create an agency to be named Criminal Prosecution Agency responsible for handling of all serious cases of national significance	
	Constitutional i. Strictly enforce and elaborate penalties where government or its agencies, department, and others resist enforcement of judicial orders or awards	a. Initiate a bill that empowers the National Assembly to withhold funding of the offending agency
	Administrative i. provision of adequate and standardized well maintained court buildings as well as housing for Judicial officers	b. Enjoin the use of out-sourcing as a maintaining Court facilities by professional companies



Objective 1		
Ensure the emergence and sustenance of an independent and efficient judiciary		
Goals	Strategies	Initiatives
	<ul style="list-style-type: none"> ii. Rework the entire court system; examine, increase the jurisdiction of the Magistrate Court to take on preliminary land/title matters; custom and excise cases by such courts near border posts; 	<ul style="list-style-type: none"> c. Amend existing laws across the states re-defining the Jurisdiction of the Magistrate Courts with regards to financial value
To reposition the Legal Practice as a whole as a foundation for the Judiciary	<p>Administrative</p> <ul style="list-style-type: none"> i. To prescribe in content and curriculum adequate legal training in line with global trend; ii. Include in the curriculum of the faculties current courses in the Nigerian Law School and position the institution purely as an qualifying examination body and etiquette centre; iii. To enable high Judicial Officers superintend the conduct of Lawyers in court and in the cases before them to achieve optimal professional outputs and best practices; iv. The Counsel's Law which gives recognition to the State Counsel while in court should be applied for Lawyers representing or acting for the State; v. Enjoin Judicial officers to, as much as possible, ensure equality before the law in terms of matters and persons by curtailing Privileges practices 	<ul style="list-style-type: none"> a. Develop new academic models for legal training b. Set up a committee of Deans of Faculties and Director General of the Law School to define the process c. Direct Judicial officers throughout the federation to immediately assume this responsibility d. Direct Judicial officers throughout the federation to immediately assume this responsibility e. Direct Judicial officers throughout to immediately assume this responsibility



Objective 1		
Ensure the emergence and sustenance of an independent and efficient judiciary		
Goals	Strategies	Initiatives
	<p>extended to senior counsels that directly antagonizes this cardinal principle of law in the course of adjudication;</p> <p>vi. To give the Nigerian Bar Association (NBA) the immediate supervisory role in applying standards and sanctions to all Lawyers and Legal officers.</p>	<p>f. Enable the Nigerian Bar Association to assume first tier responsibility in enforcing Legal Practitioners Code of ethics and sanctions</p>
	<p>Legislative</p> <p>i. Review the provisions of the Legal Practitioners' Act as it relates to the Legal Practitioners Disciplinary Committee (LPDC) to ensure its decentralization into at least 6 zones to obviate delays in the trial of erring legal practitioners.</p> <p>ii. Make senior counsel at all levels more accountable for the ensuring the sustenance and upholding of ethics of the legal profession.</p> <p>iii. Rules of Professional Conduct and the Legal Practitioners Act should be harmonized into one comprehensive enactment regulating the qualification, practice and discipline of Lawyers.</p> <p>iv. To prohibit Legal Practitioners generally from bringing matters that are sub judice into the arena of media and public commentary which oftentimes impinges on</p>	<p>g. Initiate a bill in the National Assembly to amend the LPDC to be more pro-active in Legal Practice, enforcing discipline and ethics</p> <p>h. Inaugurate a Committee of Practitioners and retired Judges to harmonise and present a bill to the National Assembly for that purpose</p> <p>i. Publish and gazette a prohibition to this practice with attendant penalties</p>



Objective 1		
Ensure the emergence and sustenance of an independent and efficient judiciary		
Goals	Strategies	Initiatives
	the integrity of the Court of law	

Objective 2		
Promote greater observance of the Rule of Law		
Goals	Strategies	Initiatives
The establishment of an orderly society that would stimulate economic growth and well being of the citizens	To ensure the independence of the Judiciary from the Executive arm by ensuring its statutory funding direct from the Consolidated Revenue Fund.	<p>a. Amend the constitution to make the judiciary the 4th arm in the sharing of Federation of Account without prejudice to payment of salary and emolument from the consolidated Revenue fund.</p> <p>b. Amend the constitution to strengthen the office of the Accountant General in the disbursement of funds to the judiciary without interference from the Executive.</p>
	Enhancement of the Rule of law through adherence to due process and respect for the principles of separation of powers with special reference to the Judiciary especially	c. Strengthen the enforcement of laws relating to due process with special provisions for sanctions for non compliance with court



Objective 2		
Promote greater observance of the Rule of Law		
Goals	Strategies	Initiatives
	as they relate to obedience and compliance with its Judgements, orders and decrees.	judgments, orders and decrees.
	Educating citizens of their rights and obligations in relation to the police and other security agencies.	d. Review education curricula to enhance civil awareness in all educational institutions.
	Ensuring with attendant sanctions respect for human rights, by security and law enforcement agencies with adequate arrangements for the entronement of a witness protection policy.	e. Strengthen the Human Rights and Public Complaints Commission f. Radical improvement of the Police and other security agencies through appropriate recruitment policies and on-the-job ICT-based training and other investigative programmes.
	Acceptance of international treaties in so far as they do not impinge on our culture and values.	g. Promulgation of appropriate laws with special regard to national interest.
	Deepening of on-going public service reforms towards public procurement and fiscal responsibility	h. Diligent and dispassionate enforcement of existing laws on public procurement and fiscal responsibility.
	Access to information	i. Promulgation of the Freedom of Information Bill and other appropriate laws.



Objective 2		
Promote greater observance of the Rule of Law		
Goals	Strategies	Initiatives
	Protection of Employees	<ul style="list-style-type: none"> j. Overhaul all existing labour laws with a view to enhancing workers rights. k. Review the rules and operations of the National Industrial Court to make it more responsive and expedient in labour cases.
	Law Reform	<ul style="list-style-type: none"> l. Strengthen the Law Reform Commission with regard to funding, infrastructure and human capital. m. Strengthen investment laws for certainty of the law for all potential investors both local and international.
	Ensure Justice sector reforms for speedy, transparent and fair dispensation of disputes.	<ul style="list-style-type: none"> n. On-the-job training of the staff of the judiciary in the areas of ICT and others. o. Enlightenment and awareness campaign for practicing lawyers to be proficient in I.C.T
	Strengthen the Investment Securities Tribunal.	<ul style="list-style-type: none"> a. Review the Investment and Securities Tribunal operations and rules. b. Position the Investment and Securities Tribunal as a guardian of the securities markets.
To have an improved and	Decentralize the legal aid scheme.	<ul style="list-style-type: none"> a. Review of all existing legislation on Legal Aid



Objective 2		
Promote greater observance of the Rule of Law		
Goals	Strategies	Initiatives
expanded legal aid scheme		<p>Scheme.</p> <p>b. Enact laws to establish State Legal Aid Agencies with broad coverage.</p> <p>c. Create State Legal Aid Agencies alongside the Federal Legal Aid scheme.</p> <p>d. Broaden the scope of coverage to include criminal matters, fundamental human rights, and environmental rights.</p>
	Promote <i>pro bono publico</i> services by lawyers to be coordinated by the Attorney General in collaboration with the NBA at Federal and State levels.	Develop framework and guidelines for national pro bono legal aid scheme.
To ensure and improve the consumer protection regime for the country. Strengthen the (Public Complaints Commission (Ombudsman).	(1)Reform the legal and institutional frameworks for consumer protection. (2) Strengthen the Public Complaints Commission (Ombudsman).	<p>e. Review and update consumer protection laws to bring them in line with global best practices and standards.</p> <p>f. Review the regimes to have adequate legal sanctions for sub-standard products.</p>
Create independent office of Director of Public	Insulate public prosecution from political interference by creating office of Independent Director Public	g. Review sections 174 and 195 of the constitution to create the office of Independent



Objective 2		
Promote greater observance of the Rule of Law		
Goals	Strategies	Initiatives
Prosecutions.	Prosecutions for the States and the Federation without prejudice to the powers of the AG to enter <i>nolle prosequi</i> .	Director Public Prosecutions for the States and the Federation
To establish clear and transparent roles for security agencies in the administration of justice.	Strengthen the Public Complaints Commission (ombudsman)	d. Review and update Public Complaint Commission Law to be more proactive
	Establish the Office of Public Defender in the Federal and state ministries of Justice	e. Promote the establishment of Office of Public Defender to expand citizens' access to seek redress for rights' abuses for indigent persons
To have harmonised and simplified civil and criminal procedures rules.	Harmonize and simplify civil and criminal procedure rules.	f. The Chief Justice of the Federation to convene National Conference for the purpose of harmonization and simplifying of the rules of court
		g. Promote use of IT in the Court
	Establish specialized courts that will ensure affordable and speedy resolution of economic and commercial disputes.	h. Enact laws or promote specialized courts (division) Nation and state wide
		i. Promote the use of ICT, ADR and multi door Court house system.
		j. Establish national arbitration center.
		k. Repeal the current Arbitration act and replace with a new Acts to make Nigeria a modern arbitration and conciliation hubs in Africa South of the Sahara.



Objective 2		
Promote greater observance of the Rule of Law		
Goals	Strategies	Initiatives
		I. Promote and sustain training and re training of judicial officers across all grades.

Objective 4		
Institutionalizing Highest Ethical Standards In judicial administration		
Goals	Strategies	Initiatives
Entrench the highest sense of responsibility and best practices within the entire hierarchy of judicial administration.	i. Strengthen the National Judicial Council (NJC) for better oversight functions.	a. Increase budgetary allocation/ funding of the National Judicial Council to enhance effectiveness.
	ii. To create channels of communication wherein unwholesome conduct of all cadres of personnel within the judiciary can be made and dealt with, with dispatch, as a deterrence system;	b. Initiate systems of complaints and whistle blowers as an information source to track erring officials
	iii. To create a peer review and performance assessment mechanism wherein judicial officers can periodically embark on monitoring exercise and applying sanctions on deficient members without traumatizing the system.	c. Initiate systems of complaints and whistle blowers as an information source to track erring officials



Objective 4		
Institutionalizing Highest Ethical Standards In judicial administration		
Goals	Strategies	Initiatives
Consolidate on the prestige of judicial career as a means of attracting distinguished practitioners and academics.	Constitutional <ul style="list-style-type: none"> i. Review appointment qualifications/ procedure into all cadres of judicial office taking into consideration qualifications, character fitness, professional pedigree, service needs, and others ii. Review the prohibition from practice against judicial officers who statutorily or voluntarily resigned or retired from service 	d. Strengthen the National Judicial Council in the area of performance evaluation.
	Administrative <ul style="list-style-type: none"> i. To immediately review the salaries/allowances of Judicial officers across board and that of their support staff to an attractive level and to periodically review same upwards 	e. Appropriate adequate fund in the budgetary exercise annually to cover expected income and emolument.

4 IMPLEMENTATION ROADMAP: Short term, Medium term and Long term

2010			EXECUTIVES AND LEGISLATURES, MINISTRIES OF JUSTICE	NIGERIAN BAR ASSOCIATION NGO'S	COMPREHENSIVE
2010			FEDERAL AND STATE GOVERNMENTS / JUDICIARIES	NBA DONOR AGENCIES	FEDERAL STATE DONOR AGENCIES
2010			FEDERAL GOVERNMENT	NBA DONOR AGENCIES COMMERCIAL INSTITUTIONS	FEDERAL GOVERNMENT DONOR AGENCIES
2010			NATIONAL ASSEMBLY	NATIONAL JUDICIAL COUNCIL / MINISTRY OF JUSTICE	JUDICIARY
2010			NATIONAL ASSEMBLY	NATIONAL JUDICIAL COUNCIL / MINISTRY OF JUSTICE	JUDICIARY
2010			NATIONAL ASSEMBLY	NATIONAL JUDICIAL COUNCIL / MINISTRY OF JUSTICE	NATIONAL JUDICIAL COUNCIL
2010			NATIONAL ASSEMBLY	MINISTRY OF FINANCE, TRADE, COMMERCE, CBN, POLICE	FGN, MULTILATERAL AGENCIES
2010			NATIONAL ASSEMBLY	MINISTRY OF FINANCE, TRADE, CBN, POLICE	FGN / PRESIDENCY
2010			NATIONAL ASSEMBLY, NATIONAL JUDICIAL COMMISSIONER/ JUDICIARY/ POLICE/ PRISON SERVICES	MINISTRY OF FINANCE. CBN, NDIC, DMO	FGN, PRESIDENCY, MULTILATERAL AGENCIES
2010			JUDICIARY/PRISON SERVICES	MINISTRY OF INTERNAL AFFAIRS	FGN / STATE GOVERNMENTS
2010			JUDICIARY	MINISTRY OF JUSTICE / ATTORNEY GENERAL'S OFFICE	JUDICIARY
2010			JUDICIARY	POLICE	JUDICIARY
	2012		JUDICIARY / NATIONAL JUDICIAL COUNCIL	NATIONAL ASSEMBLY	JUDICIARY
2010				NATIONAL ASSEMBLY	NATIONAL JUDICIAL COUNCIL
2010			NATIONAL JUDICIAL COUNCIL	MINISTRY OF JUSTICE	JUDICIARY
2010			NATIONAL JUDICIAL COUNCIL	MINISTRY OF JUSTICE	JUDICIAL



	2012		NATIONAL ASSEMBLY	NATIONAL JUDICIAL COUNCIL	JUDICIARY
	2012		NATIONAL ASSEMBLY	POLICE SERVICE COMMISSION / MINISTRY OF JUSTICE	STATE GOVERNMENTS
	2012		PRISON SERVICE	JUDICIARY / MINISTRY OF JUSTICE / MINISTRY OF INTERNAL AFFAIRS	FGN / STATE GOVERNMENTS
2010			JUDICIARY	MINISTRY OF JUSTICE	JUDICIARY
2010			MIISTRY OF JUSTICE	POLICE	FEDERAL GOVERNEMNT
2010			MINISTRY OF FINANCE	POLICE	MINISTRY OF JUSTICE
2010			JUDICIARY	NATIONAL JUDICIAL COUNCIL	JUDICIARY
2010			JUDICIARY	NATIONAL JUDICIAL INSTITUTE / MINISTRY OF JUSTICE	JUDICIARY
	2012		MINISTRY OF JUSTICE	POLICE	FGN
2010			JUDICIARY	MINISTRY OF JUSTICE	JUDICIARY
2010			JUDICIARY	NATIONAL JUDICIAL COUNCIL	FGN
2010			JUDICIARY	NATIONAL JUDICIAL COUNCIL / MINISTRY OF JUSTICE / MINISTRY OF FINANCE	FGN
	2012		COUNCIL OF LEGAL EDUCATION	MINISTRY OF EDUCATION / NIGERIAN BAR ASSOCIATION / MINISTRY OF JUSTICE	FGN
2010			COUNCIL OF LEGAL EDUCATION / NATIONAL UNIVERSITIES COMMISSION	NIGERIAN BAR ASSOCIATION	COUNCIL OF LEGAL EDUCATION
2010			JUDICIARY	NIGERIAN BAR ASSOCIATION / MINISTRY OF JUSTICE	JUDICIARY
2010			JUDICIARY	NIGERIAN BAR ASSOCIATION	MINISTRY OF JUSTICE
2010			JUDICIARY	JUDICIARY	JUDICIARY
2010			NIGERIAN BAR ASSOCIATION	JUDICIARY / NIGERIAN BAR ASSOCIATION	NIGERIAN BAR ASSOCIATION
2010			LPDC/ CJN	MINISTRY OF JUSTICE	LPDC
2010			LPDC / NBA / CJN	MINISTRY OF JUSTICE	CJN
2010			LPDC / NBA / CJN	MINISTRY OF JUSTICE	CJN
2010			NATIONAL JUDICIAL	JUDICIARY	NATIONAL JUDICIAL COUNCIL
2010			JUDICIARY	NATIONAL JUDICIAL COUNCIL	JUDICIARY
2010			JUDICIARY	NATIONAL JUDICIAL COUNCIL	JUDICIARY



	2012		JUDICIARY	NATIONAL JUDICIAL COUNCIL	JUDICIARY
	2012		NATIONAL JUDICIAL COUNCIL	JUDICIARY	NATIONAL JUDICIAL INSTITUTE
	2012		NATIONAL JUDICIAL COUNCIL	JUDICIARY	FGN



2010			EXECUTIVE, LEGISLATURE AND JUDICIARY	LAW ENFORCEMENT AGENCIES	
2010			MINISTRIES IN CHARGE OF EDUCATION, INFORMATION AND SOCIAL WELFARE AND YOUTHS AND WOMEN	NGO's CIVIL SOCIETIES RELIGIOUS BODIES, PARENTS	COMPREHENSIVE
2010			EXECUTIVES AND LEGISLATURES, HUMAN RIGHTS COMMISSION, MINISTRY OF POLICE AFFAIRS, MINISTRY OF THE INTERIOR	NGO's CIVIL SOCIETIES RELIGIOUS BODIES, PARENTS	COMPREHENSIVE
2010			FEDRAL EXECUTIVE AND LEGISLATURE		FEDERAL
2010			OFFICE OF HEADS OF SERVICE, LAW ENFORCEMENT AND SECURITY AGENCIES, MINISTRY OF JUSTICE, COURTS	PRESS	COMPREHENSIVE
2010			EXECUTIVES AND LEGISLATURES	PRESS NGOs CSOs RELIGIOUS BODIES	FEDERAL GOVERNMENT , INTERNATIONAL DONORS
2010			EXECUTIVE AND LAGISLATURS	NLC MAN	FEDERAL AND STATES AND INTERNATIONAL DONOR AGENCIES



TIMELINE			IMPLEMENING AGENCIES	COLLABORATING AGENCIES	FUNDING AGENCIES
SHORT TERM	MEDIUM TERM	LONG TERM			
2010			FEDERAL MINISTRY OF JUSTICE(FMOJ) FEDERAL MINISTRY OF WOMEN AFFAIRS AND SOCIAL JUSTICE	NATIONAL AND STATE ASSEMBLIES NIGERIAN LAW REFORM COMMISSION (NLRC) STATE MINISTRIES OF JUSTICE, (SMSOJ) MINISTRIES OF WOMEN AFFAIRS, SOCIAL WELFARE AND YOUTH NIGERIAN BAR ASSOCIATION (NBA), FIDA, CIVIL SOCIETY GROUPS NATIONAL HUMAN RIGHTS COMMISSION (NHRC)	FGN STATE GOVERNMENTS IDAS (AFDB,EU ETC)
2010			FMOJ STATE MINISTRIES OF JUSTICE(SMSOJ)	SAME AS ABOVE	SAME AS ABOVE
	2012		SAME AS ABOVE	SAME AS ABOVE	SAME AS ABOVE



2010			FMJO SMSOJ	NATIONAL AND STATE ASSEMBLIES LEGAL AID COUNCIL (LAC) LRC NHRC	FGN STATE GOVTS IDAS
	2012		FMOJ SMSOJ	NATIONAL AND STATE ASSEMBLIES NHRC NBA FIDA CSOS	SAME AS ABOVE
	2012		FMOJ SMSOJ	CSOS FIDA NBA -THE NIGERIA POLICE -THE STATE BRACHES OF NBA -THE PRISON SERVICE -CUSTOM SERVICE IMMIGRATION SERVICE	FGN NBA
	2012		FEDERAL MINISTRY OF COMMERCE AND INDUSTRY FMJO STATE MINISTRIES OF COMMERCE AND INDUSTRY SMSOJ	NAFDAC CONSUMER PROTECTION COUNCIL CHAMBERS OF COMMERCE OFINDUSTRY MANUFACTURERS ASSOCIATION OF NIGERIA STANDARDS ORGANIZATION OF NIGERIA CSOS THE MEDIA	FGN STATE GOVTS



	2012		FMJO SMSOJ THE MINISTRY OF POLICE AFFAIRS THE MINISTRY OF INTERIOR THE POLICE COMMISSION	THE NIGERIA POLICE THE EFCC THE ICPC NCS NDLEA THE NIGERIA PRISON SERVICE IMMIGRATION NBA	FGN STATE GOVTS
2010			* * OFFICE OF THE SECRETARY OF FEDERAL GOVT. *MIN. OF JUSTICE *MIN. TRY OF INFORMATION *NATIONAL ASSEMBLY	*CSOS *MEDIA *NHRC *LRC	FEDERAL GOVT. *IDA
2010			*MINISTRY OF JUSTICE *STATE MINISTRIES OF JUSTICE *BODIES OF ATTORNEY GENERALS	*CSOS *MEDIA *NHRC *LRC	FEDERAL GOVT. AND STATE GOVT.
2010			MIN. OF JUSTICE FEDERAL AND STATE. NATIONAL AND STATE HOUSE OF ASSEMBLIES	CSOS NBA FIDA LRC MEDIA	
2010			MIN. OF JUSTICE FEDERAL AND STATE. NATIONAL AND STATE HOUSE OF ASSEMBLIES	CSOS NBA FIDA LRC MEDIA	



	2013		EXECUTIVES AND LEGISLATURES REVENUE MOBILISATION AND FISCAL COMMISSION	INTERNATIONAL DEVELOPMENT AGENCIES, LAW REFORM COMMISSIONS, BODIES OF ATTORNEYS GENERAL	FEDERAL AND STATE GOVERNMENTS INTERNATIONAL DONOR AGENCIES
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Implementation Monitoring Framework and Tools

Monitoring Mechanism

Having come up with an accompanying implementation roadmap towards the actualization of the set goals and objectives that are backed up by enabling initiatives; identified the various implementing agencies and their collaborators; and determined the funding sources, the Committee had to grapple with a number of challenges and determining the following:

- What monitoring mechanisms to envisage especially to track what progress has been made and periodically report on the processes associated with constitutional amendments and the legislative enactment activities at the legislature
- Given the turbulent and uncertain nature of constitutional amendment and legislative processes and the assertive manner of effecting them, proposing time-bound reporting intervals was considered problematic
- In view of the failed attempts in the past at constitutional amendment and slow legislative actions in the Fourth Republic, members were concerned that predicting and measuring performance of the implementation of the measures and initiatives proposed was considered perilous and problematic.
- As a mitigating initiative and to facilitate manageable implementation particularly in the constitutional arena, some members would recommend a disaggregation of issues to sort out the controversial from the saleable and phase the implementation process, although this approach too was considered ill-advised.
- It is presumed that the necessary level of funding will be made available to support the initiatives and measures proposed

While taking into account the foregoing challenges and risks associated with two key elements of the Committee's recommendations - namely constitutional amendment and legislative intervention -, the Committee has deemed it appropriate to group the monitoring mechanisms



into three broad categories: constitutional, legislative and administrative listing the agencies that will be involved, the associated risks and the mitigating factors as follows:

MONITORING CONSTITUTIONAL AMENDMENT

Monitoring Agency Mitigation	Monitoring Frequency	Risks	Mitigation
NGO,s, CBO’s CSO’s	Based on the calendar	Inability to form	Effective
Office of Attorney General (Fed & States)	(quarterly and annually) Effective vigilance	consensus	enlightenment
Professional Associations (NBA, FIDA, NMA)	Indeterminate & Perennial vigilance	Divergent competing interests	
Trade Unions		Mutual suspicions	
National Human Rights Comm.		within sections of polity	

MONITORING LEGISLATIVE PROCESS

Monitoring Agency	Monitoring Frequency	Risks	Mitigation
NGO,s, CBO’s CSO’s, Office of Attorney General, (Fed & States) Professional Associations (NBA, FIDA, NMA) Trade Unions	Based on the calendar (quarterly and annually)	Inability to form consensus, Divergent competing, Indeterminate & Perennial vigilance Mutual suspicions within sections of polity	Effective enlightenment Effective vigilance



MONITORING ADMINISTRATIVE COMPONENTS

Monitoring Agency	Monitoring Frequency	Risks	Mitigation
Presidency , Statutory regulators (SEC,CBN etc)	Perennial vigilance based on calendar	Poor funding Inadequate human capital Poor standards corruption	Adequate funding Enthroned funding Enthroned high standards Impose sanctions, breaches



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Appendix 1

SOME OF THE REQUIRED LEGISLATIONS

S/N	Proposed Laws / Rules / Regulations	Target Outcome
1.	Credit Reporting and Information Exchange (CRA)	To facilitate credit data storage and information exchange and development of credit Bureaus
2.	The International Financial Centre Act	To established an international financial center for capital mobilization and investment
3.	The Factors Act	To create a debt security market, up lease practice and investment
4.	The Equipment Leasing Act	Reduce cash-based transactions and create credit tools
5.	The E-commerce (Electronic Signature) Act	To established legal provisions for e-transactions
6.	Evidence Amendment Act	Removal of impediments in current Evidence Act
7.	The movable Assets Registries Act	To aid the establishment of registry for movable collateral assets and enhance securitization
8.	The Investment And securities Amendment Act	To enhance credit recovery through fast track procedure
9.	The Financial Services Authority Act (FISA) or Financial Services Act	To enhance regulation of the financial sector and promote public awareness & protection of the market
10.	The Arbitrary Amendment Act	To provide for a national court of Arbitrary and Alternative Dispute Resolution
11.	The Bankruptcy Act	To remove cumbersome credit recovery process
12.	The Insurance and Pension Protection Fund Act	To provide for protection of pension funds
13.	Companies and Allied Matters Amendment Bill	To streamline business registration process
14.	Land Use Amendment Act	To remove registration impediments, requirements of consent, foreclosure proceedings and others
15.	The Land Registry Act	To provide for automation, integration and management of all records on local, state and federal lands
16.	The Supreme Court Rules	To amend the current supreme court rules
17.	The Court of Appeal Rules	To amend the Court of Appeal rules and remove technical impediments on commercial adjudication
18.	The Consumer Credit Act	To facilitate consumer lending



S/N	Proposed Laws / Rules / Regulations	Target Outcome
19.	Federal High Court Rules	Amendment of FHC rules and procedure
20.	Intellectual Property Right Act	To provide for intellectual property rights, rules of enforcement and an Intellectual Property Commission
21.	The Competition Act	To promote fair and competitive business environment
22.	Insolvency Act	To provide for efficient insolvency and bankruptcy regime
23.	Criminal Justice Administration Act	To enhance criminal justice administration as an impetus for secure business environment
24.	Uniform Civil Procedure Rules	To amend civil procedures and enhance efficiency of court process
25.	Legal practitioners Amendment Act	To promote efficiency and legal services delivery that will support the FSS 2020
26.	Others	That will be identified in course of consultations