

DISSENTING JUDGMENTS AND JUDICIAL LAW MAKING

by

HON. JUSTICE GEORGE OGUNTADE, JSC, CON, FJIALS



NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

RULE OF LAW AND GOOD GOVERNANCE

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NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

REDEFINING ADVOCACY IN CONTEMPORARY LEGAL PRACTICE: A JUDICIAL PERSPECTIVE

BY

Honourable Justice C. C. Nweze, JCA



Nigerian Institute of Advanced Legal Studies

NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

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Nigerian Institute of Advanced Legal Studies



NIALS Newsletter

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(L-R): Professor I. A. Ayua, SAN (former D.G. NIALS), Professor Epiphany Azinge, SAN (D.G. NIALS) and Mr. Demola Seriki, Hon. Minister of State for Interior, at the Opening Ceremony of Institute's Roundtable held on the 19th January, 2010, at the Institute's Auditorium, University of Lagos Campus, Akoka - Lagos

Terrorism in the Aviation Industry:

Fresh Challenges and Legal Imperatives for Best Practices in Nigeria





VISION STATEMENT

To be the primary source of information, training and advice at the highest level of policy formulation on legal matters, effectively impacting on local and international institutions in the development of law.

MISSION STATEMENT

To be the nucleus and hub of research and advanced studies in law in Nigeria.

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NIALS PRESS



The Production Manager, Mr. J. Idoko (Middle) supervising work in the Pre-Press

The Nigerian Institute of Advanced Legal Studies (NIALS) Press was established in 2002. The Press is at the cutting edge of Legal Publishing in Nigeria. It is a unit of the Nigerian Institute of Advanced Legal Studies. It drives the Institute's objective of excellence in



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research, scholarship, legal education and information dissemination in Nigeria.

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The Nigerian Institute of Advanced Legal Studies hereby inform the General Public that with effect from January 2010, the **AKINOLA AGUDA SCHOOL OF POST GRADUATE STUDIES**

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The Information Officer,
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2010 ROUNDTABLES



The Director-General, Prof. E. Azinge, SAN took another stride in his commitment to fulfill Institute mandate in the dissemination of information when, on the 19th January, 2010, he began a series of roundtables that brought together the National Security agencies; Embassies; NDLEA; Immigration; Customs; Airlines; Chemical and Biological Science; Law; Human Rights agencies;

Stakeholders and the general public, to debate and proffer solutions on issues of national and global security.

These roundtables would take a better part of the first quarter of the year, and will deal with issues cutting across all spheres of life. They include: Evaluation of Judicial Performance and Integrity since 1999; Frontloading: Challenges and the Implications

for Speedy Dispensation of Justice; Revisiting Victims Based Criminal; Kidnapping and Abduction: Challenges for National Security; The Legal Dynamics of Investment in Solid Minerals in Nigeria, and Telecommunication Offices: Unveiling of Borderless Criminality.

At the end of each roundtable, a *communiqué* would be issued.



**NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES
LAGOS, NIGERIA
ROUNDTABLE ON AVIATION TERRORISM: IMPERATIVES FOR BEST PRACTICES
JAN. 19, 2010
COMMUNIQUE**



On 25 December, 2009, Umar Farouk Abdulmutallab, a Nigerian, boarded a plane from Lagos, Nigeria en route Detroit in the United States of America and had a change over at Amsterdam to Delta Airlines. While on board the flight from Amsterdam to Detroit, he was alleged to have attempted to blow up the plane with a view to killing all the passengers and crew on board. His arrest, detention and trial in the US have had a negative impact on Nigeria and Nigerians to the effect that Nigeria is now included by the US Government in the list of "Countries of Interest" and security at airports worldwide tightened. Such tightening includes the introduction of body scanners. It is in realization of the negative effect that such acts portend for Nigeria that the Nigerian Institute of Advanced Legal Studies organized a One-Day Roundtable on "Terrorism in the Aviation Industry: Imperatives for Best Practices in Nigeria".

The One-Day Roundtable which was held under the auspices of the Bayo Ojo Centre for Aviation and Transportation Law of the Institute was held on Tuesday, 19 January, 2010. The Perspectives for the Roundtable included Airport Security, Anti Terrorism Bill, Human Rights Implications of Body Scanners, International Relations and Issues Arising from Abdulmutallab's Arrest and Trial in the United States. Various Speakers made presentations at the event. In attendance were representatives of the Ministries of Aviation, Defence and Justice, The Honourable Minister of State for Interior, Hon Demola Seriki was personally present as well as the Lagos State Commissioner of Police, Marvel Akpuyibo. Other agencies present include, Federal Airport Authority of Nigeria, Immigration, NDLEA, Nigeria, Security and Civil Defence, representatives of foreign embassies, airlines, academics and other stakeholders in the aviation industry.

OBSERVATIONS

The Roundtable made the following observations:

1. That terrorism in whatever form is a threat to world order and a violation of human rights in particular, the rights to physical integrity, life, freedom and security. It also impedes socio-economic developments through destabilization of the state. It is therefore imperative to prevent and/or combat this menace through effective, enforceable anti-terrorism legislation.
2. Of the sixteen international legal and regional instruments and conventions against terrorism the Federal Government of Nigeria has signed and ratified nine. This is an indication of the commitment of Government to fight terrorism. But the remaining seven instruments should be promptly ratified and domesticated.
3. Frequent cases of religious and ethnic uprising in Nigeria could be described as internal terrorism which Government has continued to combat with decisiveness. To the extent that Government addressed the Boko Haram crisis promptly, the perpetrators of the crisis in Jos should be brought to book immediately.
4. Airport and border personnel should shun corruption and favouritism in the screening of passengers. Corruption in this regard is manifested by exemption of some government functionaries or so-called very important personalities from routine screening at the ports. As a matter of policy all functionaries should be screened at the borders.
5. There is yet no valid and reliable National Identity Card to determine who are true Nigerians.
6. A State should be labelled a terrorist state if the state overtly or covertly supports terrorism. All those arrested in the UK for acts of terrorism bearing British passports have not led to the UK as a nation being labelled a terrorist state.
7. Nigeria's airports meet ICAO standards in terms of security but countering terrorism is like chasing a moving target because current screening procedures target metals and not powdery substances. Just as the taking on board of liquid has been banned so also should powdery substances be banned.
8. Nigerian Airports have *Stop List* and *Watch List* which are updated regularly. Security personnel need to be trained and re-trained regularly to perform this function.
9. The ECOWAS smart electronic passport is powered by biometric technology in tandem with the International Civil Aviation Organisation's specification for international travels.
10. Noted that the Nigerian e-passport has the inherent potential to eliminate forgery, passport falsification and multiple acquisitions of passports and make identity theft by unscrupulous elements in the society impossible.
11. Since human trafficking victims could easily be recruited into terrorist groups due to a combination of factors including desperation, poverty, extreme religious views and contempt for organized society whom they may blame for their unfavourable social status, the efforts at eradication of human trafficking should be sustained.
12. The Bill for an Act to Provide for Measures to Combat Terrorism and Other Related Matters before the National Assembly is unknown to many Nigerians. Though comprehensive the bill should be popularised and subjected to robust national debate by posting on the website of the National Assembly in addition to other measures to publicise it.
13. Upholding human rights is not at odds with battling terrorism because the moral vision of human rights viz. the deep respect for the dignity of each person is among our most powerful weapons against terrorism. Therefore derogation from human rights to permit use of body scanners is permissible to fight terrorism.

RECOMMENDATIONS

1. Government should ratify and domesticate the remaining international and regional instruments designed to combat terrorism.
2. In domesticating the international instruments Nigeria should take account of local peculiarities in order to ensure that the legislation is effective.

Signed:

Professor Epiphany Azinge, SAN
Director General,

Lagos, Nigeria
(19 January, 2010)

NIALS FELLOW S LECTURES

1	The Evolution of Constitutionalism in Nigeria: The Role of Supreme Court Under The 1979 & 1999	Hon. Justice M.L Uwais, CJN, FNIALS (2006)	1000:00
2	Legal Framework and Institutional Mechanisms for Free and Fair Elections: The Challenge of Nigeria.	Prof. Jadesola Akande (2007).	1000:00
3	Corruption in the Civil Service of Nigeria: A Nation's Albatross.	Prof. D. A. Ijalaye (2008)	1000:00

JOURNALS

1	Nigerian Current Legal Problems Volume 1	T. Akinola Aguda (1985) reprinted (2007)	1000:00
2	Nigerian Current Legal Problems Volume 2 & 3	I.A. Ayua (ed) (2002)	1000:00
3	Nigerian Current Legal Problems Volume 4 & 5	I.A. Ayua (2005)	1000:00
4	Nigerian Current Legal Problems Volume 6	D. A. Guobadia	1000:00
5	Nigerian Legal Periodicals- A Subject Index (1989-2003)	Nials Library (2004)	1000:00
6	Nigerian Legal Periodicals- A Subject Index (1946-1988)	Compiled by Library Staff	1000:00
7	Nigerian Current Law Review. (January, April, October (1982)	Prof M.A. Ajomo	300:00
8	Nigerian Current Law Review (1983)	Prof. M A. Ajomo.	1000:00
9	Nigerian Current Law Review (1984)	T. Akinola Aguda	1000:00
10	Nigerian Current Law Review (1985)	T. Akinola Aguda	1000:00
11	Nigerian Current Law Review (1986)	Prof. M.A Ajomo	1000:00
12	Nigerian Current Law Review (1987)	Prof. M. A Ajomo	1000:00
13	Nigerian Current Law Review (1988/93)	Prof. M A Ajomo	1000:00
14	Nigerian Current Law Review (1992/93)	Prof. M A Ajomo	1000:00
15	Nigerian Current Law Review (1994)	I.A Ayua	1000:00
16	Nigerian Current Law Review (1995)	I.A. Ayua	1000:00
17	Nigerian Current Law Review (1996)	I.A Ayua & D.A. Guobadia	1500:00
18	Nigerian Current Law Review (1997)	D.A. Guobadia & Bolaji Owasanoye	1500:00
19	Nigerian Current Law Review (1998-2006)	D.A. Guobadia & Prof. A. O. Adekunle	2500:00

JUSTICE A.G. KARIBI-WHYTE CONVOCATION LECTURE SERIES

1	Dissenting Judgments and Judicial law Making	Hon. Justice George Oguntade, JSC, CON, FNIALS (2009)	500:00
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NIALS FOUNDERS' DAY LECTURE SERIES

1	The Function of the Law and the Lawyer in Development Administration	Professor Dr. Heinrich Scholler(1981)	500.00
2	New Eyes for Old : The Future , Present and Past in the Evolution of Mineral Agreements	David N. Smith (1981)	500.00
3	Humanism and the Law : The Case of the Shariah	Ismail R. A Faruqi (1987)	500.00
4	A Quarter Century of Legal Education in Nigeria : An Appraisal	Professor E. Nwogugu (1985)	500.00
5	The Relevance of the Judiciary in the Policy in Historical Perspective	A.G Karibi Whyte(1988)	500.00
6	International Law In the Period after Decolonisation	J.A Frowein (1988)	500.00
7	Social Security in Nigeria	Prof. Ben . O. Nwabueze – (1989)	500.00
8	The Southern African Situation and the Eventual Triumph of International Law	Prof. I. Sagay (1991)	500.00
9	The Concept of National Sovereignty and Development	Prof. Rolf Knieper .(1992)	500.00
10.	What's Wrong with the Law?	M.I Jegede(1993) Reprinted 2007	500.00
11	Constitutions and the Problems of Nigeria	Chief Bola Ige- (1995)	500.00
12	Discipline , Nigerian University and the Law	C.O Okonkwo (1996)	500.00
13	The Nigerian Legal Profession : Towards 2010	Dr. Hamisu A. Yadudu – (1997) Reprinted 2007	500.00
14	The Power and the Functions of the United Nations Security Council	Ian Brownlie (1998)	500.00
15	Transition to Transition: Prospects of an enduring Democratic Polity in Nigeria	J. Isawa Eliagwu (1999)	500.00
16	The Doctrine of the Separation of Powers and the Purposive Approach to the Interpretation of Legislation	Justice V.C.R.A.C. Crabbe (2000)	500.00
17	The Imperatives of Federal / State Relations in a Fledgling. Democracy : Implications for Nigeria	D.A Ijajaye – (2001)	500.00
18	The Exercise of Legislative Powers in Nigeria	Niki Tobi (2002)	1000.00
19	The Role of Legal and Judicial Reforms in Promoting the Rule of Law and Good Governance in Africa	Swithin J. Munyantwali- (2003)	500.00
20	The Expanding Frontiers of Justice : The Challenge of Global Justice	Justice E.O Ayoola – (2004)	1000.00
21	Federalism , Constitutional Democracy and Challenges for Good Governance	Cheryl Saunders – (2005)	1000.00
22	What next in Nigeria Family Law?	E.I Nwagugu (2006)	1000.00
23	Miles Apart but Walking the same Path : The Right of the People to control their Natural Wealth and Resources – Lessons From Nigeria and Tanzania	Honorable Justice Chris Maina Peter (2007)	1000.00
24	Rethinking the Nigerian Constitution	Hon. Justice Amina Augie (2008)	1000.00
25	Judicialism and the Good Governance in Africa	Prof. B. O. Nwabueze (2009)	3,500.00



The Director-General Prof. E. Azinge, SAN delivering his welcome address



The Director of Research Prof. B. Owasanoye, making his own speech at the Roundtable



Hon. Minister of State for Interior Mr. Demola Seriki giving his speech



Chief Awa Kalu (SAN) delivers his contributions at the Roundtable



Prof. I. A. Ayua, SAN (L) with the D.G. Prof. E. Azinge SAN in a heart to heart chat at the Roundtable



Hon. Minister of State for Interior, Mr. Demola Demola Seriki (M) with Immigration Officers at the Roundtable.



Mrs. R. I. Njukama, giving her speech



Professor Demola Popoola making his contributions at the Roundtable



Prof. I. A. Ayua, SAN, (former D.G, NIALS) in a discussion with one of the guests before the Roundtable



Lagos State Commissioner of Police, Marvel Akpoyibo (L) and Professor Femi Odekunle at the Roundtable



A cross section of NIALS staff and guests at the Roundtable



The D.G. Prof. E. Azinge, SAN answering a reporter's questions.

BOOKS AND CONFERENCE SERIES

1	Fundamentals Of Nigerian Law	M. A. Ajomo (1989)	2000:00(limp) 300:00 (Cased)
2	New Dimensions In Nigerian Law	M. A. Ajomo (1989)	2500:00(limp) 3000:00(Cased)
3	Hints On Legal Practice	Anthony Ekundayor (1989)	2000 (Limp)
4	The United Nations Charter and The World Court	T. O. Elias(1989)	2000(limp) 2500:00(Cased)
5	Human Rights and The Administration Of Criminal Justice In Nigeria	M.O. Ajomo and I. Okagbue (1993)	O/S
6	African Economic Community Treaty: Issues, Problems and Prospects.	M.A. Ajomo and Omobolaji Adewale (1993)	3000.00(limp) 2500.00(cased)
7	Nigerian Essays In Jurisprudence	T.O. Elias and M.I Jegede (1993)	O/S
8	Individual Rights Under the 1989 Constitution	M.A. Ajomo and Bolaji Owasanoye (Eds) (1993)	1500.00
9	Proceeding of the National Conference on Human Rights and the Administration of Criminal Justice in Nigeria	Ajomo and Okagbue	500.00
10	Free Movement Within Country of ECOWAS Community of West Africa States	I.A Ayua and M.N. Tilly-Gyado	O /S
11	Proceedings of the Roundtable On "Problems and Prospects of a Commodity Exchange"	I.A. Ayua and Owasanoye	O/ S
12	Law Justice and the Nigerian Society	I.A Ayua (Eds) (1995)	2500 (Limp)
13	Bail Reform In Nigeria	Isabella Okagbue (1996)	2000
14	External Debt and Financial Management in Nigeria.	I.A. Ayua and Bolaji Owasanoye Eds (1997)	1500 (limp) 2000 (Cased)
15	Implementing The Biodiversity Convention: Nigeria and Africa Perspective	I.A. Ayua and Olawale Ajai (Eds) (1997)	300.00
16	The New Law of The Sea and the Nigerian Maritime Sector: Issues and Prospects for the Next Millennium	I.A. Ayua, T.A.T Yagba and O.A Odiase- Alegimenlen (1998*	2,500
17	Legal Education for the 21 st Century Nigeria	I.A. Ayua and D.A. Guobadia (2000)	3000
18	Political Reform and Economic Recovery in Nigeria	I.A. Ayua and D.A Guobadia (2001)	2,000.00 (limp) 2500.00(cased)
19	Nigeria: Issues in the 1999 Constitution	I.A. Ayua, D.A. Guobadia and A.O Adekunle (Eds) (2001)	3,500
20	Law and Research Methodology	I.A. Ayua and D.A. Guobadia (Eds)(2001)	1,500;00
21	Ethnicity and National Integration in Nigeria: Recurrent Themes(2004)	D.A.Guobadia and A.O. Adekunle (Eds) (2004)	2,000 (limp) 2,500 (cased)
22	Poverty, The Nigerian Economy and the Law	D.A. Guobadia and Epiphany Azinge Eds 2004)	2,000 (limp) 2,500 (cased)
23	Globalization, National Development and the Law	D.A. Guobadia and Epiphany Azinge 2005	3,500;00
24	An Introduction to the Rome Statute of the International Court of Justice	D.A. Guobadia and P.T. Akper (2005)	2,000 (limp) 3,000 (cased)
25	The Uwais Court; The Supreme Court and the Challenge of Legal Development (1995-2006)	D.A. Guobadia and A. O. Adekunle (Eds) (2006)	6,500 (limp) 8,000 (cased)
26	Current Themes in the 1999 Constitution: A Tribute to Honorable S.M.A Belgore	D.A. Guobadia and Epiphany Azinge 2007	6,500 (limp) 8,000 (cased)
27	The Challenge of the Nigerian Nation: An Examination of its Legal Development. (1960-1985).	T. Akinola Aguda	2000 (limp) 3,000 (cased)
28	Foreign Investments in a Globalised World	D.A. Guobadia & P.T. Akper 2007	3,000:00

RESEARCH SERIES

1	The Right of The Child in Nigeria	I.A. Ayua and I.E. Okagbue (1996)	1,500:00
2	Technical Report on The Nigerian Court Procedures Project	I.A Ayua and D.A Guobadia (eds) (2001)	1000:00
3	Strengthening Judicial Integrity and Capacity in Nigeria	Dr. Peter Langseth (2002)	0 /S
4	Nials Law Annotated Vol. 1&11 2008	Ben Nwabueze (2009)	75,000:00
5	Rule of Law and Good Governance	Edited by Prof. Epiphany Azinge and Prof. Bolaji Owasanoye (2009)	10,000:00

TASLIM ELIAS MEMORIAL LECTURE SERIES

1	The World Court Image, Mission and Mandate	Hon. Justice M. Shahabbudeen (1994)	500:00
2	Thoughts on Human Rights Norms Vis-a vis a the Court and Justice: An African Court or Domestic Court	Hon. Justice Kayode Eso (1995)	500:00
3	International Humanitarian Law and Inter-State Conflicts	Prof. Osita Eze (2009)	500:00
4	Balancing National Security and Human Rights	Hon. Justice Pius Langa (2006)	500:00

FELIX OKOYE MEMORIAL LECTURE SERIES

1	Some Aspect Of International Law Considered In Relation to Apartheid, Racism and Racial Discrimination	Hon. Justice T.O. Elias (1986)	500:00
2	Visions Dreams And Illusions in The Perspective Of Justice, International Peace and Security	Justice Chukwudifu Oputa (1988)	500:00
3	International Re- Orientation and The Emerging Global Groupthink: Nigeria's Role	H.E. Maj. Gen. Joseph W. Garba (1991)	

CHIKE CHIGBUE LECTURE SERIES

1	Redefining Advocacy in Contemporary Legal Practice: A Judicial Perspective	Hon. Justice C .C Nweze, J. C .A.(2009)	1000:00
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NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES 2010 PROGRAMMES OF ACTIVITIES



TRAINING COURSES AND WORKSHOPS

S/N	COURSE TITLE	DATE	VENUE	NEW FEE	COORDINATOR	CONTACT	TARGET PARTICIPANTS
1	Nuclear Law	March 10 th - 12 th 2010	Augustine Nnamani Lecture Theatre NIALS, University of Lagos Campus	N75,000	Prof. Peter Akper, Kehinde Ikhimikor & Chibuzo Arinze	08056931749	Federal and State Ministries of Science and Technology, Federal and State Ministries of Environment, National Radiological Service, NNRA, NAEU, Manufacturing Companies and Waste Disposal Companies, Ministry of Mines and Solid Minerals, Ministry of Power & Steel, NERC and Companies involved in Power Plant and Generation & all Lawyers.
2	2 nd Course in Drafting Commercial Agreements and Banking Documentation	March 22 nd - 26 th 2010	Ignatius Ayua Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Bolaji Owasanoye, Mrs. Helen C. Okoro and Goziem Ebo	08035024679	Lawyers in Banks, Insurance Companies, Mortgage Institutions, Regulatory Agencies, Private Legal Practitioners, Legal Advisers, Bank Credit Officers, NCC and all Lawyers.
3	Training Course for Public Prosecutors	April 13 th -15 th 2010	Jadesola Akande Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Aseunwa & Mr. P. Anyele	08023129907	Law Officers of the Federal and State Ministries of Justice, Prosecuting Counsel to the NDLEA, Customs, Immigration Services, the Nigerian Army, Navy, Airforce, the Financial Crimes Commission (EFCC), NAFIIP, the Investment & Securities Tribunal & all Lawyers.
4	National Workshop on Technical Services in Law Libraries	April 27 th -29 th 2010	Augustine Nnamani Lecture Theatre NIALS, University of Lagos Campus	N75,000	Mr. T.O Dada & Mrs. Lamikana	08035060902 08059831722	Law Librarians and all Lawyers.
5	Digital Forensic Advocacy	April 19 th -23 rd 2010	Ignatius Ayua Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Michael Ikasale & Mr. Shankyula	08056931749	Staff of Military, Para-Military, Financial Intelligence Units, EFCC, ICPC, SSS, SID, Federal and State Ministry of Justice, Prosecutors and all Lawyers.
6	Legal Writing Skills MODULE I: Legal Writing Skills for Legal Practitioners MODULE II: Legal Writing Skills for Law Academics	May 10 th -11 th 2010 12 th -14 th 2010	Jadesola Akande Lecture Theatre NIALS, University of Lagos Campus	N50,000	Prof. Animi Awah Dr. (Mrs.) F. Nierum	08055112617	Practising Lawyers, Legal Officers in the public service (Ministries of Justice and Government Agencies), Lawyers in Banks and other Corporations & all Lawyers. Law Teachers and Researchers.
7	Government Legal Advisers/ Law Officers Course	May 24 th -28 th 2010	Augustine Nnamani Lecture Theatre NIALS, University of Lagos Campus	N100,000	Mrs. Ngozi Udombana & Miss Lillian Ezenyogu	08032367371	Government Legal Advisers/Law Officers of Ministries, Extra-Ministerial Departments/Parastatals, Federal/State owned Companies, Nigerian Immigration Service & all Lawyers.
8	Training Course on Law and Security	May 17 th -21 st 2010	Ignatius Ayua Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Nisand Aduba, Kehinde Ikhimikor & Mmakuwe Ozoemweni	08056931749	Army, Navy, Airforce, the Nigerian Police Force, EFCC, ICPC, SSS, Nigerian Civil Defence, CID, Financial Intelligence Unit, Security Guard & all Lawyers.
9	Intensive Course in Legislative Drafting	June 1 st -4 th 2010	Jadesola Akande Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Deji Adekunle & David Oluwagbami	08033947747	National and State Legislative Houses, Ministries of Justice, EFCC, ICPC, INEC, NII, Judges, Court Officers, Academics, Private Legal Practitioners & all Lawyers.
10	WORKSHOP on Labour and Industrial Relations	June 14 th -17 th 2010	Augustine Nnamani Lecture Theatre NIALS, University of Lagos Campus	N75,000	Mr. Kofi Omidire & Fatima Bello	08030808593 08035928091	Academics, Industrial Relations Practitioners, Labour Union Officers Human Resources Personnel in Ministries, Government Departments, Agencies, Parastatals, Companies and Banks, Judges and Staff of National Industrial Court and all Lawyers.
11	Intensive Course in Alternative Dispute Resolution	June 22 nd -25 th 2010	Ignatius Ayua Lecture Theatre NIALS, University of Lagos Campus	N75,000	Prof. Paul Idongue, Dr. (Mrs.) Chinyere Ani & Mr. Chima Anzu	08033114797 08033412508	Magistrates, Judges, Nigerian Police Force, Federal and State Ministries, Parastatals, Department and Agencies of Government & all Lawyers.
12	3 rd Advanced Course in Practice and Procedure	July 5 th -9 th 2010	Jadesola Akande Lecture Theatre NIALS, University of Lagos Campus	N100,000	Mrs. Ngozi Udombana & Mr. Chima Anzu	08033412508	Judges of Superior Courts, Private Legal Practitioners, State Counsel, Government Legal Advisers/Law Officers, Prosecuting and other Counsel in the Federal and State Ministries of Justice, Nigerian Prisons Service, Nigerian Customs Service, Nigerian Immigration Service, Extra Ministerial Departments and Parastatals & all Lawyers.
13	Intensive Course in Commercial Drafting and Banking Documentation	July 12 th -16 th 2010	Augustine Nnamani Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Bolaji Owasanoye & Prof. Animi Awah	08035024679	Lawyers in Banks, Insurance Companies, Mortgage Institutions, Regulatory Agencies, Private Legal Practitioners particularly those in Commercial Law Practice, Legal Advisers, Bank Credit Officers etc & all Lawyers.
14	Environmental Law & Climate Change	July 26 th -30 th 2010	Ignatius Ayua Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Lumre Egbolun, Mrs. Igboine & Mr. Adelusi Arewa	08035505149 08036614868	Staff of Federal and State Ministries of Environment, Oil Companies, Nigerian Liquefied Natural Gas Company, NNPC, Nigerian Gas Company, PTMC, PPRC, Ministries of Agriculture and Water Resources, Ministry of Mines, Steel and Power & all Lawyers.
15	5 th Training Course in International Criminal Justice & its Administration	Sept 20 th -24 th 2010	Jadesola Akande Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Peter Akper & Mrs. Kehinde Ikhimikor	08056931749	Judges of Superior Courts, Legal Practitioners, Law Teachers, Legal Officers in the private/public sectors, Members of the Armed Forces, Ministry of Defence, Ministry of Foreign Affairs, the Nigerian Red Cross Society, the Nigerian Police Force, Federal and State Ministries of Justice, the National Institute for Policy and Strategic Studies (NIPSS), the Command and Staff College Jaji, the National War College, Nigerian Prisons Service, Nigerian Customs Service, Nigerian Immigration Service & all Lawyers.
16	Course on Drafting and Negotiating Contracts for Government Officials	Sept 27 th -30 th 2010	Augustine Nnamani Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Paul Idongue & Fatima Bello	08033114797 08035928091	Legal Advisers Officers, Project Managers/Administrators, Transaction Officers, Procurement Officers and Contract Manager in Ministries, Departments and Agencies (MDAs), Federal and State Ministries of Justice and Government Agencies and Departments & all Lawyers.
17	The Comparative Company Law Course	Oct 18 th -22 nd 2010	Ignatius Ayua Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Deji Adekunle & Mr. David Oluwagbami	08033947747	Lawyers in Banks, Insurance Companies, Mortgage Institutions, Regulatory Agencies, Private Legal Practitioners particularly those in Commercial Law Practice, Legal Advisers, Bank Credit Officers etc & all Lawyers.
18	Advanced Course in Practice and Procedure II	Oct 25 th -29 th 2010	Jadesola Akande Lecture Theatre NIALS, University of Lagos Campus	N100,000	Dr. (Mrs.) Chinyere Ani & Chima Okoro	08023078355 08035024679	Lawyers in Banks, Insurance Companies, Mortgage Institutions, Regulatory Agencies, Private Legal Practitioners particularly those in Commercial Law Practice, Legal Advisers, Bank Credit Officers etc & all Lawyers.



NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

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NIALS Journal of Law and Development - Prof. Nnamdi Aduba

The Journal welcomes submissions of articles, case law review, short notes on recent developments and commentaries on broad spectrum of law and its intersection with development. Submissions are welcome on topical issues in development as well as a comparative study of the treatment of developmental issues in other jurisdictions.

International Journal of Law and Security - Prof. Bolaji Owasanoye

The Journal welcomes submissions of articles, case law review, short notes on recent developments and commentaries on issues of law and security such as cyber security, terrorism, cyber crime, ethnic/religious crisis. It also welcomes submissions on the interface between law and security and the global trends in addressing these issues.

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NIALS Supreme Court Review - Prof. Paul Idornigie

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Nigerian Journal of Criminal Justice Reform - Prof. Ayo Atsenuwa

The Journal welcomes submissions of articles, case law review, short notes on recent developments and commentaries on criminal justice reform in Nigeria, such as access to justice, treatment of victims and victims' rights, criminal adjudication in Nigeria.

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The Journal welcomes submissions of articles, case law review, short notes on recent developments and commentaries on telecommunication law and practice in Nigeria.

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Nigerian Journal of Business Law - Prof. Paul Idornigie

The Journal welcomes submissions of articles, case law review, short notes on recent developments and commentaries on current issues on business practice and regulation in Nigeria, such as finance and taxation as well as comparative study of business practice and regulation in other jurisdictions.

NIALS Journal of Environmental Law - Prof. Olanrewaju Fagbohun

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NIALS Current Law Review Journal - Prof. Bolaji Owasanoye

The Nigerian Institute of Advanced Legal Studies is making a call for submission of unpublished, innovative and original articles from the academia, Bar, Bench, legal practitioners in both private and public sector, including intergovernmental and non governmental organisations to the above listed Journals. The Institute also welcomes notes on recent developments, case law review and commentaries. Articles are accepted twice a year. Manuscripts should be submitted in British English, with both text and footnote typed and double spaced. Authors should also submit an abstract of not more than 200 words, enclosing a cover letter and resume. Submissions should include: email addresses and phone numbers. Articles submitted to the Editor in Chief must not have been published, submitted or accepted elsewhere. Request style guidelines by email from nialsabj@hotmail.com

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S/NO	TITLE OF PUBLICATION	AUTHOR/EDITOR/YEAR	PRICE(#)
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6	Honorable T.A Aguda: The Man , His Works and the Society	I.O Agbede (1986)	
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<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>DESIGNATION</u>
Jerry-Imahiagbe Senapon	March 13	Deputy Institute Secretary
Tangni Balle Danjuma	March 3	Deputy Institute Secretary
Asuzu Chinua	March 8	Asst. Research Fellow
Ibhagbosoria Fedelis	March 14	Admin. Officer 1
Nwaigwe Stanley Chidiebere	March 3	Asst. Executive Officer
Idenyi Abraham	March 11	Principal Personal Secretary
Faronbi Olufunso Olatunji	March 23	Chief Data Processing Assistant
Ogbe Sunday	March 15	Chief Driver
Sholaja Salau Majekodunmi	March 31	Office Assistant II
Mal. Mesheidu Abu	March 3	Senior Cook
Opone Harrison Chuks	March 21	Steward
Odili Alexander	March 5	Head, Security Guard

STAFF BIRTHDAYS - APRIL

Bathnna James Gekene	April 27	Institute Secretary
Owoeye Jide Edward	April 18	Principal Librarian
Goniri Hajara Bulama	April 2	Principal Assistant Secretary
Iyehen Alemye Ajeichi	April 27	Admin. Officer I
Osakwe Ada C.	April 27	Admin. Officer II
Adeola Adeniyi	April 6	Data Processing Officer II
Okoduwa Christopher Abaherijie	April 23	Chief Driver
Emmanuel Dangwa Gilbert	April 23	Driver
Afolabi Olufemi Clement	April 15	Gardener III
Mohammed Sudi Maksum	April 20	Principal Accountant
John Yawe	April 9	Chief Accountant
Abdullahi Habiba Trisha	April 6	Admin. Officer II
Uta Daniel Aja	April 7	Principal Superintendent of Press
Agberagba Iyavbee Abraham	April 8	Higher Executive Officer
Ahmed Sanusi	April 3	Senior Printing Assistant



The D.G. Prof. E. Azinge, SAN flanked by his immediate left, the Institute Secretary, Mr. J. Bathnna, the Institute Librarian, Mr. T. O. Dada and on his right, Director of Studies, Prof. D. Adekunle



Mrs. Ngozi dombana, as she explains a point at the Refresher Course



A Cross Section of Staff at the Refresher Course



A Cross Section of Staff who participates in the Course

CREATION OF A BUDGET OFFICE

This is to inform all staff that a new office - the BUDGET UNIT has been created in the Institute as part of the on-going measures aimed at bringing about efficiency in service delivery by the Management. The unit which is located in the Abuja office is headed by a Chief

Accountant, Mr. John Yawe and has since commenced full operation. The unit is under the supervision of the Bursar.

Staff are therefore requested to fully cooperate with the new unit in the Management's quest for to move the Institute to the next level.

NIALS GETS A YOUTH CORP MEMBER

Mr. Opara Obioma Chidozie is a Youth Corper, posted to the Institute for his primary assignment. He is a 2008 graduate of Business Management from the Imo State University. He is presently attached to the Bursary Department, Abuja. **NIALS NEWSLETTER** wishes him a wonderful service in the Institute.



Mr. Opara Obioma Chidozie

NEW BABIES IN THE INSTITUTE

The year ended on a thankful note for the family of Mr. and Mrs. Iyehen as a beautiful baby boy was born to the family on the 9th December, 2009. The baby is christened Jason Iyehen.

Mr. and Mrs. Peter John Etuh, for on this 14th day of February, 2010, God blessed them with twin, a boy and a girl - Praise Umolaojo Olive and Peace Ubolaojo Olivia John.

NIALS staff wishes all the new born babies and their families long life and God's protection.

Valentine's Day will always be a day of double celebration for

NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES
LAGOS, NIGERIA
ROUNDTABLE ON EVALUATION OF JUDICIAL PERFORMANCE
AND INTEGRITY INDEX SINCE 1999
10th February, 2010
COMMUNIQUE

INTRODUCTION

As part of the restructuring going on at the Nigerian Institute of Advanced Legal Studies, the MOHAMMADU LAWAL UWAIS CENTRE FOR JUDICIAL INTEGRITY ASSESSMENT was established in July 2009 by the governing Council under the leadership of Hon. Justice Katsina-Aliu JSC, CON. Former Chairman of Council of the Institute.

The major mandate of the centre is to conduct research, survey and roundtables for purposes of evaluating judicial performance and integrity index. The thinking of the institute is that the process of activating the National Judicial Council is mainly through petitions and this is prone to abuse and reckless application. Consequently, the institute resolved to design an acceptable lawless and empirical process of evaluating the integrity index of the judiciary.

It was in fulfillment of the above that the institute on 10th February, 2010 organized a One-Day Roundtable on "Evaluation of Judicial Performance and Integrity Index since 1999" under the auspices of the Mohammed Lawal Uwais Centre for Judicial Integrity Assessment.

The Perspectives of the One-Day Roundtable include Judicial Reasoning, Administration of Justice, Public Confidence/Perceptions, Independence of the Judiciary, Integrity Index, Discipline on the Bench, Calibre and Quality of Appointment, Election Tribunals, Challenges and Reservations, Growth of the Law and Development of Critical Infrastructure. Various speakers made presentations at the event. In attendance were the Representatives of the former Chief Justice of Nigeria and President of the Court of Appeal, Distinguished Senior Advocates of Nigeria, Constitutional Law Experts, Sociologists, and other stakeholders in the justice sector. The Roundtable was chaired by Chief Akim Oluji, SAN, former Attorney General of the Federation and Minister of Justice.

OBSERVATIONS:

The Roundtable made the following observations:

- 1) The need to evaluate judicial performance periodically to ensure that the judiciary is made accountable for its actions and pronouncement on the bench without necessarily breaching the principles of judicial immunity or incessantly inundating the National Judicial Council with petitions.
- 2) The judiciary remains the last hope of not only the common man but everyone including the heads of the executive arms of government and other well meaning Nigerians. There is the need, therefore, to preserve the institution and promote its sanctity and respectability.
- 3) That the welfare and conditions of service of judicial officers have improved considerably in Nigeria. But there are still States yet to appreciate the role of staff of the judiciary.
- 4) Most topical issue today when analyzing judicial performance and integrity is that of corruption. Corruption is all pervasive as it has affected all arms of government and other facets of society. The National Judicial Council (NJC) should be commended in this regard for its efforts in sanitizing the judiciary and in being pro-active.
- 5) The need to define and identify the indicators for measurement of judicial performance and integrity and mainstreaming such indicators noting that integrity can be seen from two perspectives, namely, corruption and bias - the former bordering on financial inducement and the latter on perceptions and preconceptions. These two perspectives influence decisions made by judges.
- 6) The National Judicial Council (NJC) has developed a framework for measuring performance and NIALS should liaise with NJC in developing and fine-tuning the framework using instruments like accountability, accessibility, affordability, availability, convenience, intelligibility and responsiveness of the judicial process.
- 7) There is a Code of Conduct for Judicial Officers. It is however not clear to what extent the Code is being complied with.
- 8) The individual capacity of Nigerians to analyse national issues including the performance of the judiciary is growing and should be sustained instead of reliance on opinion of the others whose opinions may be biased.
- 9) In many landmark cases especially election petition cases, the judiciary has helped in supporting and sustaining democratic institutions.
- 10) That judicial officers and lawyers are partners in the justice sector though one may appear more dominant than the other. The temperament, disposition, composure and attitude of one is likely to affect the relationship. Consequently, Lawyers have very important role to play in ensuring that Judges and Judicial Officers perform optimally, efficiently and effectively and to present cases where Judicial Officers fall short of these requirements to the appropriate authorities.
- 11) The challenges posed by the continuous use of ex parte applications despite the directives of the NJC that such orders should be given sparingly. However, it was observed that granting of ex parte orders is not unconstitutional.
- 12) Although progress has been made in the area of delivery of substantial justice and not technical justice, the absence of critical infrastructure like electricity, recording facilities, Internet facilities, proper furniture, air conditioning and general conducive environment has impeded the growth and development of the judicial sector. Where such infrastructure is provided, it must be updated regularly because law is becoming very scientific, forensic experts are being brought and unless the judges are fully equipped, they may not be in a position to appreciate the evidence presented. Lagos State has done very well in this regard and should be commended.
- 13) The National Judicial Institute (NJI) should be commended for its efforts to build and develop capacity in the judicial sector. However, such capacity building should be geared towards developing specialization in various areas of legal practice. Similarly, various judicial divisions should be created and manned by judicial officers with relevant experience and training. A situation where complex cases in specialised areas are assigned to judges without any background in the area should be discouraged.
- 14) With the introduction of the new civil procedure rules, it is almost impossible to delay judicial proceedings, as there are timeliness with sanctions attached to them. But Judges and Lawyers must see to it that the rules are strictly adhered to.
- 15) Judges in the appellate courts are expected to write their own opinions including dissenting opinions. However, the writing of dissenting opinions is now minimised because of the conference method adopted.
- 16) A key component of judicial development is the discipline of the bench especially in relation to one another. This should be jealously guarded and maintained.
- 17) No aspect of government, legislature, executive and judiciary can escape from the environment in which it operates. In Nigeria, poor utilization of resources, corruption and lack of basic infrastructure affect the operation of any arm. Also, nationals of other countries are not better than Nigerians but the environment is not the same. As soon as we put in place the principles of accountability and acceptance of standard norms, our Judges will behave like their counterparts in other jurisdictions. This is because there are systemic failures and they affect how our laws are applied.

18) Note that there are perception issues at various levels with the general public and the lawyers on the issue of administration of justice especially in the courts of records. However, the bulk of the judicial matters are handled at the lower bench - magistrate/area courts. Thus Magistrates and Area Court judges influence what happens in the judiciary considerably.

19) The adversarial system depends on the issues presented by the parties and/or their Lawyers. Therefore the quality of the judgement is a function of the presentation by the counsel to the parties or parties themselves.

20) Nigeria has enough constitutional and statutory framework for the independence of the judiciary. However, the institutions must be strengthened and clear orders set by the institutions for the appointment of Judicial Officers.

RECOMMENDATIONS

At the end of the Roundtable, the following recommendations were made:

- 1) The Judges in writing judgments should be guided by the need to ascertain the ratio decidendi of a case. By so doing, a mechanism for ascertaining judicial reasoning will be developed and judgments can be systematically analysed. This is so because judgments are the product of a process and the process should be understood and appreciated.
- 2) The judiciary has a self-checking mechanism through the appellate system. To this extent, the incident of corruption should be minimized and reduced at the higher bench. However, where it is established by the NJC that a judge is corrupt, the punishment should not be limited to removal from office. Such a judge should be handed over to the law enforcement agency for prosecution. In the same vein, Lawyers who bribe or attempt to bribe Judges on behalf of litigants should be reported for appropriate disciplinary action by the NIA.
- 3) Judicial Inspection Unit to be established to monitor corrupt practices, check compliance with rules of practice, determine temperament and predisposition of Judges and generally evaluate judicial performance.
- 4) Regular surveys should be scientifically conducted where the opinions of consumers of the judicial service - litigants and the general public on the integrity of the courts are evaluated.
- 5) Judicial service delivery is an aspect of good governance. Efforts should be made therefore to ensure that judicial service delivery is properly monitored. In doing this, the process of recruiting judicial personnel, the temperament, composure, antecedent, passion, social standing, background, experience and intellectual bent of such judicial personnel should be carefully analysed. Similarly the recruiting institutions and personnel should take these criteria into account.
- 6) Administration of justice in a globalised world poses challenges for the judiciary especially in the area of complex commercial transactions and implementation of treaty obligations. The changes introduced by the reform of the rules of civil procedure are no less daunting. Consequently, judicial officers should be trained regularly for them to keep pace with developments in these areas and the administration of justice in general. Similarly, computer appreciation courses should be organised for judges so that they will all become IT-compliant.
- 7) Nigerian Institute of Advanced Legal Studies should champion the course of righting inconsistencies in judicial pronouncements of courts of coordinate jurisdictions and call for harmonization of opinion especially when the facts are clearly on all fours in both cases.
- 8) The provision of critical infrastructure in the justice sector including the lower bench should be given priority. In this regard, welfare package and improved conditions of service for judicial and ancillary staff in the courts of records should be extended to the magistrate/area courts. The developments in Lagos State in this regard should be emulated by other states.
- 9) To take full advantage of the reform of civil procedure rules, lawyers should avoid frivolous interlocutory applications and if such applications amount to abuse of process, the lawyers should be personally sanctioned. Similarly the judges should be conversant with the rules for ease of application.
- 10) For Nigeria's jurisprudence to grow, Judges must be innovative, courageous and creative in interpretation of constitution and statutes.
- 11) Salaries and allowances of Judges should be reviewed periodically to forestall the temptation of being corrupt.
- 12) The practice of writing dissenting opinions should be encouraged in order not to stifle independent opinions on the bench.
- 13) Systems and structures should be put in place and operated by persons with capacity to operate them. Similarly, there is the need to diversify the court process and procedure and it is hoped that the civil procedure rules will lead to such diversification.
- 14) In our adversarial system, lawyers should prepare adequately for their cases and ensure that the facts and law are presented to the judges. In so doing, if a judgement has been reached per incuriam, it should be brought to the attention of the judges.
- 15) The Nigerian Bar Association (NBA) should be more proactive in defending Judges and be more discerning in criticizing judgements and not the judges. This will contribute to the reform of the justice sector and such reform will promote excellence in the judiciary.
- 16) The workload of justices in the higher bench should be reduced through the appointment of more justices and creation of conducive environment. Similarly, Judges should be made comfortable. This should be extended to Magistrates and other ancillary staff.
- 17) Judges are products of our society. Members of the society should change. If this happens, this will affect the judiciary.
- 18) The bar should be more proactive in defending the judiciary. News conferences should be avoided since there is an appellate system.
- 19) Funding of Judiciary at State level must not be led to the whims and caprices of the executive. This is bad for independence of the judiciary and for the principles of separation of powers.
- 20) Judges should be constantly exposed to international Conferences to enable them fraternise with their colleagues from other jurisdictions and exchange ideas.
- 21) Discipline of the High Courts especially between Judges and Chief Judges must be strengthened to avoid constant bickering and indecisiveness.
- 22) As a condition precedent for appointment to the bench, candidates must be subjected to rigorous medical scrutiny. Once appointed, Judges should be entitled to best medical treatment obtainable anywhere in the world.
- 23) Roundtable commends successive Chief Justices of Nigeria, Presidents Court of Appeal, Chief Judges of Superior Courts, Presidents of Customary Courts of Appeal, Grand Khadi's for their excellent leadership roles since 1999 and urge them to take the judiciary to another level in the new decade.

Lagos, Nigeria
 February 10th, 2010

Signed:
Professor Epiphany Azinge, SAN
 Director General



(L-R) Hon. Justice Candide Johnson, Aliyu Salman, SAN, Justice Onoghen, JSC and the D.G. Prof. E. Azinge, SAN



The D.G. giving his welcome address



The Director of Studies, Prof. D. Adekunle makes his speech



Emma Ukalla, SAN, making his contributions



Hon. Justice Candide Johnson making a point



Hon. Justice Onoghen, JSC a representative of the CJN delivering his address



Aliyu Salman delivering a speech



A cross section of Institute Staff



A cross section of guests



Some Research Fellows taking notes at the Roundtable



Prof. E. Azinge, SAN answering questions from a reporter

NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES
LAGOS, NIGERIA
ROUNDTABLE ON FRONT LOADING: CHALLENGES AND IMPLICATIONS
FOR SPEEDY DISPENSATION OF JUSTICE
16TH FEBRUARY 2010

COMMUNIQUE

INTRODUCTION

Frontloading is the simultaneous filing of pleadings and evidence relied on together with originating processes. It was introduced by the Lagos State Judiciary with the introduction of the Civil Procedure Rules 2004 (CPR). The CPR provided for Pre-Trial Conference and stricter time lines with a view to facilitating speedy and cost efficient dispensation of justice. Front loading is designed to ensure full research and knowledge of the facts of, and the law relating to a dispute before the filing of a suit. These innovations which were largely influenced by Lord Woolf's Access to Justice Report 1996 and the consequent reform of the rules of civil procedure in the United Kingdom have been widely replicated in several jurisdictions in Nigeria. Indeed features of the reform proposals are found in the rules of appellate courts.

However several years after its introduction the concept of front loading and the extent to which it has achieved the objectives of reform deserves close scrutiny and evaluation.

Consequently the Nigerian Institute of Advanced legal Studies (NIALS) consistent with its mandate as Nigeria's foremost legal think tank and resource organised on 16th February 2010 a one day Roundtable on "Front loading—Challenges and Implications for Speedy Dispensation of Justice". The Roundtable was organised under the auspices of the Abdullahi Ibrahim Centre for Litigation and Case Law - one of the Centres of the Institute. Participation in the Roundtable was drawn from members of the State and Federal Judiciary, the National Industrial Court, Ministries of Justice and members of the Bar and other experts. The sub-themes discussed covered appraisal of the concept of frontloading, monitoring and evaluation mechanisms, challenges and the respective roles of the Bench and the Bar, adaptation to election proceedings as well as mechanisms for ensuring the protection of witnesses.

The panel of discussants featured Justices of the Court of Appeal and distinguished Senior Advocates of Nigeria. The Chief Justice of Nigeria Hon Justice Katsina - Aliu was represented by Hon Justice Walter Onoghen JSC while the President of the Court of Appeal was represented by Hon Justice R.C. Agbo, the Presiding Justice of the Lagos Division of the Court of Appeal. The session was moderated by a former member of Council of the Institute Alhaji A. Saliman SAN.

OBSERVATIONS

The Roundtable made the following observations -

1. While noting that the theme of the roundtable was of current relevance, apart from procedural lapses the issue of delay in the dispensation of justice is also attributable to administrative lapses such as ill-timed transfers of judicial officers, delays in preparation of records of appeal by the registry and industrial agitation over conditions of service by administrative staff.
2. Lagos State no doubt blazed the trail in the application of the new rules and there is no doubt that progress has been made in terms of speedy dispensation of justice and the weeding out of frivolous matters. After five years of the rules there is need for a review of the efficacy and it was noted that Lagos has commenced the process for the evaluation and review of the Rules.
3. The Rules on frontloading and other reforms must be understood strictly in the context of an overarching concern to forge greater efficiency and speedier dispensation of justice.
4. In order to enhance Frontloading, there is need to improve human resources component and training as well as infrastructure which will aid the speedy dispensation of justice.
5. Frontloading and Pre-trial Conference mechanisms together with timelines introduced in the rules are designed to facilitate efficient case tracking and case management; with the deployment of adequate information technology (I.T.) infrastructure this should vastly improve efficiency and accountability in the administration of justice.
6. Although there is substantial similarity between the state rules there are no uniform rules on frontloading and Pre-trial Conference and therefore there is need for caution in the general application of appellate decisions in the respective jurisdictions.
7. On timelines in the rules, the absence of the discretion of judges to consider motions, applications and written addresses prior to the expiration of the period provided by the rules even when the parties

are ready does not make for speedy dispensation of justice.

8. In relation to the Federal High Court it was observed that the rules do not make provision for further affidavit and reply on point of law.
9. Although Pre Trial Conferencing is crucial to the objectives of speedy dispensation of justice, its effectiveness depends largely on the mastery of the Pre-Trial Conference Judge to effectively manage a case with a view to resulting into the settlement of the case rather than slowing down the process.
10. While frontloading requires strict case management by the Pre-Trial Conference Judge he is in Lagos state a case manager who can descend into the arena without bias with a view to identifying the core issues in dispute and getting the parties to settle.
11. The Frontloading rules under the Federal High Court Rules have not sufficiently provided judges with discretion to permit further witness depositions.
12. It does not appear that legal practitioners are willing to test the correctness of decisions or rulings based on the rules. There is need for guidance on the rules at the appellate level.
13. Frontloading brings transparency and efficiency to the proceedings and enables the court and the parties to weigh the respective strengths and weaknesses of the case.
14. Frontloading gives the parties the opportunity to explore alternative dispute resolution mechanisms. However although referral of parties to ADR mechanisms in the course of case management may be seen as resulting in a lack of fair hearing, the court has a primary obligation under the rules to ensure speedy dispensation of justice.

RECOMMENDATIONS

At the end of the Roundtable the following recommendations were made -

1. Written addresses are not necessary for motions and it is recommended that summaries be filed instead.
2. There is need to further review the Evidence Act in order to bring aspects of Front loading such as the nature and effect of written depositions and Pre-Trial Conference into conformity with the provisions of the Evidence Act.
3. Considering the role played by NIALS in the evolution of the Lagos State Rules and the widespread adoption of Rules modelled on the Lagos State Rules NIALS should take up the challenge of making proposals for the reform of the rules.
4. There is need for continuing legal education for members of the bar and bench on various aspects of the new rules and alternative dispute resolution mechanisms.
5. The commitment of legal practitioners can no longer be taken for granted as the new rules encourage professionalism. There is need for counsel to undertake pre-action counselling and the introduction of lawyers professional liability clauses.
6. In view of the observations on consistency with the Evidence Act, NIALS should avail the National Assembly with the recommendations and issues raised at the Roundtable in the ongoing process of reviewing the Act.
7. Practice directions and rules must be in conformity with the provisions of substantive legislation. Notably depositions by witnesses must disclose identity.
8. In view of the absence of the discretion of judges to consider motions, applications and written addresses prior to the expiration of the period provided by the rules, it is recommended that Judges be given discretion to consider motions in such circumstances.
9. Frontloading modifies procedural jurisprudence from the traditional adversarial approach thereby making the judge a managerial judge drawing on the inquisitorial system. In order to ensure fair hearing therefore it is crucial that the case manager should not handle the Pre-trial conference as well as the plenary proceedings.

Professor Epiphany Azinge, SAN
Director General

19 February, 2010



(L-R) Justice Agbo of Court of Appeal, Lagos, the D.G. Prof. Azinge, SAN, Chief Akin Olujimi, SAN, Prof. Alemika and Mrs. D. Ufot at the Roundtable



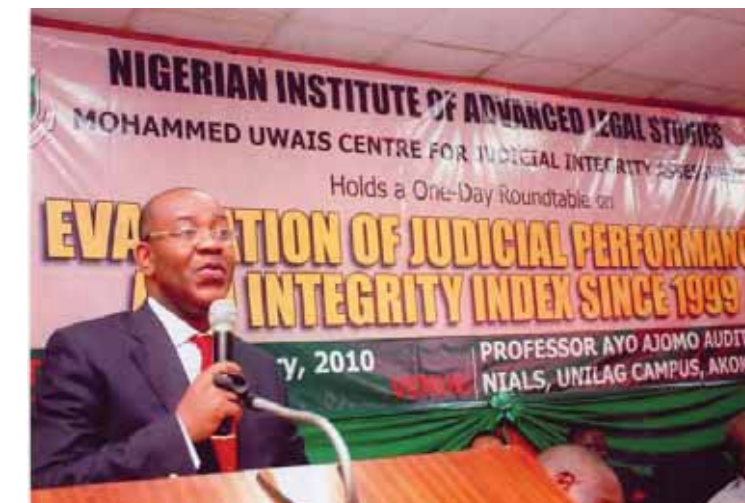
The D. G., Prof. E. Azinge, SAN gives a welcome address



Prof. Alemika at the Roundtable



Mrs. Maryam Uwais as she explains a point at the Roundtable



Omonuwa, SAN, a former Commissioner for Justice and Attorney-General of Edo State, makes his own remarks



Chief Akin Olujimi, SAN former Attorney-General of the Federation and Minister of Justice at the Roundtable.



Mrs. orathy Ufor, SAN explaining herself at the Roundtable



(L-R)the Institute Librarian, Mr. T. O. Dada and Institute Secretary Mr. J. Bathnna at the Roundtable



Prof. B. Owasanoye and Judge B. B. Kunyip in a chat at the Roundtable



Chief Mrs. Rita Garuba giving her contribution



(L-R) Dorothy Ufot, SAN, D. G. and Prof. Kazeem SAN



A cross section of Staff and guest at the Roundtable



Time for relaxation, after the Roundtable



**The Director General,
Professor Epiphany Azinge, SAN**
On behalf of the Governing Council and Management of the
Nigerian Institute of Advanced Legal Studies
Cordially Invites you to the
2010 FOUNDERS' DAY LECTURE
Titled
**Review Of The Right To Communicate:
International Telecommunications Development
Under Trend Of Universal Recognition**
To be delivered by
Professor Chun Hung Lin SJD, LL.M, LL.B,
Visiting Research Fellow, Lauterpatch Centre for International Law,
University of Cambridge
Under the Distinguished Chairmanship of
Senator Ike Ekwerenmadu, CON
Deputy Senate President
Special Guest of Honour
Prince Adetokunbo Kayode, SAN
Hon. Attorney-General of the Federation
and Minister of Justice
Date: Wednesday March 17, 2010
Venue: Nikon Luxury, Abuja
Time: 11.00am
R.S.V.P
Godwin Atsu - 08035877732
Alemye Iyahen - 08050835293



**THE DIRECTOR GENERAL,
Professor Epiphany Azinge, SAN**
On behalf of the Governing Council and Management of the
Nigerian Institute of Advanced Legal Studies
Cordially Invites you to
A DINNER PARTY
Under the Distinguished Chairmanship of
Honourable Justice A. I. Katsina-Alu, *CON*
Chief Justice of Nigeria
and Former Chairman of Council, NIALS
Special Guest of Honour
Prince Adetokunbo Kayode, *SAN*
Hon. Attorney-General of the Federation
and Minister of Justice
Date: 21st April, 2010
Venue: Congress Hall, Transcorp Hilton, Abuja
Time: 7:00pm Prompt
Godwin Adalikwu **R. S. V. P** **Alemye Iyahen**
Tel: 07058355744 **Tel:** 07065549115
08035877732 08050835293



**THE DIRECTOR GENERAL,
Professor Epiphany Azinge, SAN**
On behalf of the Governing Council and Management of the
Nigerian Institute of Advanced Legal Studies
CORDIALLY INVITES YOU TO THE
**Induction of
Hon. Justice P. N. Bhagwati
(Former Chief Justice of India)
Into NIALS HALL OF FAME**
**Public Lecture Titled:
“PUBLIC INTEREST LITIGATION”
by
Hon. Justice P. N. Bhagwati**
Presentation of Institute Latest Research Work:
JUSTICIABILITY AND CONSTITUTIONALISM: ECONOMIC ANALYSIS OF LAW
UNDER THE DISTINGUISHED CHAIRMANSHIP OF
Honourable Justice A. I. Katsina-Alu, *CON*
Chief Justice of Nigeria
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