

KEYNOTE ADDRESS BY THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA AND CHAIRMAN, BOARD OF GOVERNORS OF THE NATIONAL JUDICIAL INSTITUTE, HON. MR. JUSTICE WALTER SAMUEL NKANU ONNOGHEN, GCON, FNJI, AT THE OPENING CEREMONY OF THE 2018 REFRESHER COURSE FOR JUDGES AND KADIS HELD AT THE ANDREWS OTUTU OBASEKI AUDITORIUM, NATIONAL JUDICIAL INSTITUTE ON 19TH MARCH, 2018.

PROTOCOL

I am delighted to be in your midst this morning at this year's Refresher Course for Judges and Kadis. This course is important as a result of the nature of the class of its target audience.

Over the years, the course has served as a constant reminder to judicial officers of their crucial role in the society, and the need to balance conflicting interests with ensuring a stable polity. I believe that it contributes in no small measure to the enrichment of our performance as the third of Arm of Government.

While I am not unmindful of the risk of pre-empting what the array of speakers lined up to speak at this course would say, I must not hesitate to comment, *albeit* briefly on the theme of this year's course, which is, ***"Enhancing the Quality of Judicial Services"***.

The theme is quite instructive; truly a stock taking event. It should therefore not be regarded as theoretical, because, doing so will reduce its value. We must collectively take advantage of the few days we are here to get judges and Kadis properly to meet the challenges ahead.

My Lords, Democracy insists on the respect of the Rule of Law. Its principles also advocate the independence of the Judiciary, the doctrine of separation of powers, guarantee of fundamental human rights, which includes the freedom of expression (epitomized by free press and media), as well as free and fair elections.

Our nascent democracy has to be nurtured, consolidated and developed. Democracy in itself is nothing if the implication of the fundamental principles enshrined in the constitution of this nation cannot be readily determined in constitutional adjudication by a judiciary manned by upright judicial officers. This is premised on the fact that, as the society depends on justice, those who are singularly advantaged to do justice to all manners of persons, must ensure that they themselves are standing upright, far away from all manners of

injustice. One way of achieving this, My Lords, is to take cognisance of our errors, if any, in order to avoid them.

In this light, I must not fail to emphasize at this forum, that Judges must ensure the protection of the human rights of every citizen. Our institution, the Judiciary, is the only Arm of Government vested with such powers. The interest of the powerful must always be reconciled with those voiceless poor. This is a constitutional function which the courts in this country must continuously perform.

It is heart-warming to note that, our courts have lived up to expectation as was encapsulated in my keynote address at the recently concluded 2017 All Nigeria Judges' Conference of Superior Courts held here in the premises of the National Judicial Institute.

As such, judges should refrain from what could tarnish their good image or tamper with their reputation.

It is very clear, My Lords, that judicial ethics is as old as the emergence of civilized society. The art of judging as recognized by God almighty is replicated in scriptural references in the two major religions of the world, Christianity and Islam. However, from these scriptural references, it is very clear that a judge must not be boastful and pompous on account of his position or in executing his duties.

The prestige of the Judiciary is indeed essential in the system of government such as ours in which the Judiciary functions independently. The behaviour of judges is, in the circumstance, closely scrutinized to guarantee continued confidence in the integrity of the courts. The combination of power, responsibility and humanity accounts for both the most exemplary and sometimes, the most regrettable judicial conduct. To this end, judges must exercise decorum in all their undertakings.

My Lords, Distinguished Ladies and Gentlemen, you will agree with me that a corrupt judge is not only a disgrace to the Bench and the noble profession, but also a disaster to the course of justice and the nation. I must not fail to emphasize here that my definition of corruption is not limited to bribe-taking, but includes the giving of judgements or orders based on any consideration other than legal merit. It is gratifying to note however, that the National Judicial Council is already tackling this canker-worm head-on.

Consequently, the National Judicial Council under my watch has constituted the Corruption and Financial Crimes Cases Trial Monitoring Committee

(CONTRIMCO) which has hit the ground running, to serve as a check on the excesses of some bad eggs amongst us. I am confident that in due course of time, our efforts to rid the judiciary of questionable characters shall yield results.

The designation of special courts to handle corruption cases is also a step in the right direction as lingering corruption cases will be expeditiously dispensed with. It will no longer be business as usual. I must state categorically, however, lest I am accused of the fallacy of hasty generalization, that the Judiciary in Nigeria is not corrupt or inefficient. It is an established fact that the Judiciary in Nigeria is as good as the best anywhere in the world. Only few Judges found are found wanting.

The National Judicial Council however, will continually ensure, through rigorous screening and painstaking appointment procedures, that the best materials, in terms of learning and character, get appointed to the Bench.

My Lords, Distinguished Guests, the delay in our justice delivery system is of great concern to me as it must be to you all. This unacceptable situation inevitably dictates the need for a thorough and comprehensive reform of our justice sector to ensure access to justice at affordable costs and within a reasonable time.

In this light, the recent introduction of the Nigerian Case Management System (NCMS) and the Legal Electronic Mail System for the service of Court Processes at the Supreme Court will serve to enable smooth exchange of information and storage of cases electronically within the judicial system.

Such innovation however, must of necessity have the cooperation of the Executive, the Legislature, as well as other relevant stakeholders in the justice sector. Furthermore, internal cohesion and stability of the justice sector will not be complete without contribution and input of legal practitioners and the general public.

It is my hope that this desirable reform will be funded to fruition. I am therefore using this opportunity to solicit your support and cooperation for the success of this reform which will impact positively on our justice delivery system. I am confident that, by the grace of the Almighty God, the problems of delay in the dispensation of justice will soon be overcome. This will also result in enhanced public confidence in the judiciary.

My Lords, it is true that the Judiciary at the federal level enjoys full financial independence. Unfortunately, however, the same cannot be said of the state

judiciaries. The funding of the Judiciary is crucial as it is the most important index for assessing its independence.

The issue of adequate funding at the state level is one of the greatest challenges confronting the Judiciary of this nation. It is imperative that the applicable provisions of the 1999 constitution be duly amended to solve problems of State judiciaries. It is my hope that within the limits of our limited resources, the judiciary will continuously strive to achieve its constitutional mandate.

Permit me at this juncture to thank the Administrator of the National Judicial Institute, Hon. Mr. Justice R.P.I Bozimo, OFR, under whose leadership the National Judicial Institute has become much more visible, proficient and indeed proactive.

My gratitude also goes to the chairman and members of the Education Committee of the National Judicial Institute, the Management and staff of the institute for their industry in putting this course together.

I must in particular, thank the chairmen of sessions and resource persons who have been carefully chosen to share their wealth of experience and knowledge with us.

I therefore, urge participants at this year's Refresher Course to pay rapt attention, contribute meaningfully and participate actively during working sessions.

I must not fail to thank the Fourth Estate of the Realm for their presence and reportage of the programmes of the judiciary.

As you deliberate on the various issues lined up for discussion at this year's Refresher Course, it is my hope that you will emphasise those aspects of Judicial Sector Reform which will not only serve to deepen, broaden and strengthen our judicial and governance institutions, structures and processes, but that you will also seize the opportunity to do some critical self-evaluation and peer review.

While wishing you all stimulating deliberations, I do hope that the outcome of your deliberations will serve to further define your place in engendering a strong, united, secure and prosperous Nigeria.

It is now my singular honour to formally declare the 2018 Refresher Course for judges and Kadis open. Thank you and God bless us all, Amen, and Amen.