

GAVEL.

PATTERNS OF JUDICIAL APPOINTMENTS IN NIGERIA



Executive Summary

For years, the judiciary has been afflicted by various vices that impede its ability to fulfill its constitutional mandate which in turn, hampers its efficiency and effectiveness. Recently, a concerning trend has emerged in the judiciary, which has compounded long standing issues like corruption, financial mismanagement and opacity in recruitment process. High-ranking politicians and judicial officers are noted to have prioritize the placement of their relatives and friends in key positions in the judiciary thereby undermining the institution's already fragile framework.

Objective

The objective of this report are therefore:

- To examine the historical evidence of nepotism within the Nigerian judiciary prior to the country's independence
- To identify patterns and trends that indicate the prevalence and continuity of nepotism over the years.
- To analyze the impact of nepotism on the judiciary's integrity, effectiveness and public perception;
- To discuss the challenges of addressing nepotism within the judiciary; and
- To proffer valuable recommendations for addressing and mitigating the effects of nepotism within the judiciary.

Key Findings

The report found that:

- The procedure for the appointment of especially judicial officers into the judiciary is opaque and that this makes it difficult to check nepotism.
- Precedents on nepotistic practices by past Judicial officers greatly influence future officers who eventually fill the former's shoes in the judiciary.

- Recruitment into the judiciary is greatly influenced by cultural factors such as the deep-rooted norm of giving jobs to children of serving/retired/deceased judicial officers simply so that the children can carry on with "the legacies" of their parents.
- The federal character principle exists only in principle and not in practice; as resort is hardly had to same during recruitment process.
- That nepotism thrives because those who practice it are almost never held accountable. This is not unconnected with the fact that those who are saddled with the responsibility of enforcing accountability in the judiciary are the same ones practicing nepotism.

Key Recommendations

- The Code of Conduct for Judicial Officers which contain anti-nepotism provisions should be enforced especially against erring judicial officers to serve as deterrent to others.
- The procedure for appointment and promotion of judges should be transparent and open to public scrutiny to improve public trust and confidence in the judiciary.
- Anti-nepotism laws which criminalizes nepotism and prescribes punishment therefor, should be enacted and enforced against both politicians and judicial officers who engage in the practice.
- Extant laws relating to the judiciary should be amended to include a provision that set out merit-based criteria for the appointment of judges into the judiciary and the said provision should be strictly adhered to, to ensure that only qualified candidates are appointed into the judiciary.
- Judicial officers and staff of the judiciary should be educated on the dangers of nepotism especially on the independence of the judiciary; and on the importance of impartiality in the judicial process.

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Part One

Introduction

Introduction

Prevalent in the corridors of government and by no means absent in the corridors of the judiciary is the concept of nepotism. The Judiciary, the third arm of the government, is tasked not just with interpreting the law but also with resolving disputes and dispensing equitable justice to all. For years, the judiciary has been grappling with various vices that impede its ability to fulfill its constitutional mandate which in turn, hampers its efficiency and effectiveness. Recently, a concerning trend has emerged in the judiciary, which compounded long standing issues like corruption, financial mismanagement and opacity in the recruitment process.

Beyond the overt menace of corruption and other vices, nepotism has emerged as a pressing concern, permeating the judicial landscape and transforming it into a preferential arena for family, friends, and associates. According to the Vanguard Newspaper:

“The new fashion now is that senior members of the Judiciary, retired and serving Supreme Court judges and power players in the Judiciary hustle their children, wards and relations into the Bench. The emerging picture is that of a future Federal Judiciary chiefly populated by the sons, daughters and close relations of serving and retired senior members of the Bench.”

”

Indeed, high-ranking officers of the judiciary are observed to have prioritized the placement of their relatives in key positions in the judiciary thereby undermining the institution's already fragile framework. Over the past decade, numerous instances of nepotism have been documented within the judiciary, indicating a troubling proliferation of this phenomenon.

With nepotism undermining meritocracy and accountability, the Nigerian Judiciary faces significant challenges in upholding its mandate for excellence and fairness.

This report is divided into seven parts. The first part introduced the work as well as clarified the purpose and scope of the report. The second and third parts traced the historical evidence of nepotism within the judiciary through case studies and highlighted the patterns noticeable. The fourth and fifth parts discussed the impacts of nepotism on the judiciary and the challenges in addressing same. Part six proffered recommendations for surmounting these challenges; while part seven closed the curtain with summary and conclusion of the work.

Purpose and Scope of the Report

This report aims to contribute to a deeper understanding of the systemic issues within the Nigerian judiciary and to foster dialogue on potential reforms. It seeks to inform policymakers, legal professionals, and the public about the longstanding nature of nepotism and its consequences for justice and governance in Nigeria. In particular, the purpose of this report is to:

- Examine historical evidence of nepotism within the Nigerian judiciary prior to the country's independence.
- Identify patterns and trends that indicate the prevalence and continuity of nepotism over the years.
- Analyze the impact of nepotism on the judiciary's integrity, effectiveness, and public perception.
- Discuss the challenges of addressing nepotism within the judiciary; and
- Provide recommendations for addressing and mitigating the effects of nepotism within the judiciary.



Part Two

Historical Proof of Nepotism Within The Judiciary

Introduction


“Nepotism” came from the word “nepotes” and it means “nephew” in the Latin language. Its origin goes back to a church implementation in the medieval times when the political standing of papacy was very strong. In the course of time, the construction of the term came to include politicians and royal families who grant prominent positions to their kins. According to Lansberg nepotism appears “when family are given rewards and privileges in the firm to which they are not entitled on the basis of merit and competence”. Wong and Kleiner defined the term as “the hiring and advancement of unqualified or underqualified relatives simply by virtue of their relationship with an employee, officer or shareholder in the firm.” Nepotism may refer to the employment of a person who is related to the employer otherwise known as “family nepotism”. It is “political nepotism” however, if someone's relative is placed in a political position that favours him ahead of other qualified persons.

Nepotism in three dimensions

- 01 Self-determined Nepotism**
 Which occurs when an individual decides to take a job in an establishment only because it aligns with his career path;
- 02 Coercive Nepotism**
 Which occurs when the nepotee accepts the job because they were forced to take it by a family member;
- 03 Opportunistic Nepotism**
 Which occurs when a job is accepted simply because it is an opportunity that presents itself at the right time.


The concept of nepotism is not new to the Nigerian Judiciary. Its trend today however, is more prevalent than it was in the 60s when Nigeria first got her independence. Examined below are traces of nepotism in the judiciary as far back as when the first Chief Justice of Nigeria was appointed. It must be noted however that the reviewed cases below while meant for illustration purpose only, are by no means exhaustive.

1




The Ademola's

Justice Adenekan Ademola




When he eventually retired, his son, Adenekan Ademola, was appointed a judge of the Federal High Court. His son was later elevated to the Court of Appeal where he remained as a justice of the Court until 1991 when he retired.



Sir Adetokunbo Adegboyega Ademola

Two years before his retirement Justice Ademola recommended his son, Adenekan Ademola, to be appointed a judge of the then High Court of eastern State.



Justice Adeniyi Ademola

His grandson, Adeniyi Ademola, was also appointed a judge of the Federal High Court, but was compulsorily retired in 2018 when the former President of Nigeria, Mohammadu Buhari, approved his compulsory retirement following the recommendation of the National Judicial Council.

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2



BELGORES

• The Belgore's

Bolaji S. Belgore



Justice Bolaji had worked as Assistant Legal Adviser, Federal Ministry of Internal Affairs between 1990 and 1991. He was appointed a magistrate of the FCT High Court, Abuja from 1991 until 2007 when he was elevated as a Judge of the FCT High Court.

Adama Ibijoju Belgore



Late Justice Ahmad Olanrewaju Belgore's wife, Adama Ibijoju Belgore was hitherto a branch manager of the erstwhile Trade Bank but got appointed to the Supreme Court as an Assistant Director (Administration) soon after her in-law, Justice Alfa Belgore, was sworn-in as the Chief Justice of Nigeria

Dele Belgore



Late Justice Babatunde Mahmud Belgore's son, Dele Belgore, is a Senior Advocate of Nigeria and a politician.



Saliu Modibo Alfa Belgore

In 1986, he was appointed to the bench of the Supreme Court of Nigeria as a Justice of the Court. He held several positions in the judiciary before he was appointed as chief justice of Nigeria in July of 2006. He held this position until January 2007 when he retired.



Late Justice Ahmad Olanrewaju Belgore

Justice Bolaji Belgore is not the only family member of the former Chief Justice in the Nigerian judiciary. Late Justice Ahmad Olanrewaju Belgore, born on April 18, 1953, was a judge of the Kwara State High Court from 1990 to 2006 before he was elevated to the Court of Appeal bench. He retired on April 18, 2023 and unfortunately passed on in April of 2024.



Late Justice Babatunde Mahmud Belgore

The younger brother of the erstwhile Chief Justice, Babatunde Mahmud Belgore, was also on the bench of the judiciary at one time. He is documented to be the longest serving Chief Judge of the Federal High Court having served in that capacity from September 22, 1988 to August 31st 2001 when he eventually retired. Justice Babatunde died in 2010 following a protracted illness.

3



KUTIGIS

• The Kutigi's

Justice Abubakar I. Kutigi



Late Idris Legbo Kutigi recommended Abubakar to be appointed judge of the FCT, High Court in 2007. Currently, Justice Abubakar presides over court 11 of the FCT, High Court, Maitama.

Justice Mohammed Baba Idris



Mohammed Idris was appointed in 2008. He was sometime in 2018 elevated to the Court of Appeal; and recently in 2023, further promoted to the Supreme Court.



Late Idris Legbo Kutigi

He became a high court judge in 1976 and was subsequently elevated to the Court of Appeal; before he was further promoted to the Supreme Court in 1992. He was later appointed in 2007 as the Chief Justice of Nigeria to succeed Salihu Alfa Belgore. Kutigi had 18 children among whom are: Justice Abubakar I. Kutigi of the FCT, High Court, Abuja; and Justice Mohammed Baba Idris of the Supreme Court.

Prior to his demise and in his capacity as chairman of the National Judicial Council, late Idris Legbo Kutigi had recommended Abubakar and Mohammed Idris (his two sons) to be appointed judges of the FCT, High Court and the Federal High Court respectively.

4



ODILIS

• The Odili's

Justice Njideka Nwosu-Iheme



As deputy Chairperson of the NJC, Justice Mary Odili was involved in recommending her daughter, Njideka Nwosu-Iheme, for a judge position at the FCT High Court. Despite initial rejection by President Buhari due to a petition from the Open Bar Initiative, the candidates were re-presented after Justice Odili reportedly lobbied NJC members. Justice Njideka, an in-law to former Court of Appeal Justice Chioma Nwosu-Iheme, was appointed and sworn in on November 23, 2021.

Justice Chioma Nwosu-Iheme



Justice Chioma, the first female Nigerian Judge with a PhD in Law and the second female from Imo State appointed to the Supreme Court, began her judicial career in 1995. Elevated to the Court of Appeal in 2008, she led several divisions until December 2023, when the NJC recommended her elevation to the Supreme Court. She was sworn in as a Justice of the Supreme Court on February 26, 2024. Justice Chioma is the mother of Uzoma Nwosu-Iheme (Jr.), who is married to Justice Njideka Nwosu-Iheme. Justice Mary Odili, the mother of Justice Njideka, was also the first female judge from Imo State appointed to the Supreme Court.



Hon. Mr. Justice Mary Ukaego Odili

Hon. Mr. Justice Mary Ukaego Odili was born on the 12 May, 1952 at AmudiObizi, Ezinihitte – Mbaize L.G.A. of Imo State. She was a Nigerian judge and wife of Peter Odili, who served as Governor of Rivers State from 1999 to 2007. She was appointed a Justice of the Supreme Court of Nigeria (JSC) on 23 June, 2011 and in 2019, she became the second most senior Justice of the Supreme Court. and deputy chairperson of the National Judicial Council, when Justice Tanko Mohammed, the most senior Justice of the Supreme Court at the time, was appointed by former president Buhari as the Chief Justice of Nigeria



Justice Chinelo Chidubem Odili


Barely one month after the swearing-in of Justice Njideka as judge of the FCT High Court, Justice Mary Odili, as deputy chairperson of the NJC again, approved the nomination of another of her daughters, Chinelo Chidubem Odili, who was proposed to be appointed as a judge of the Rivers State High Court. Justice Chinelo was eventually recommended by the NJC for appointment in its 96th meeting of 14 and 15 December, 2021. About a week later, Justice Chinelo was sworn-in as a judge of the Rivers State High Court, by former Governor Nyesom Wike.

5



Bulkachuwas

■ The Bulkachuwa's

Justice Fatima Abubakar Aliyu 

Justice Bulkachuwa was a member of the National Judicial Council which approved the appointment of her daughter, Fatima Abubakar Aliyu, a judge of the FCT High Court at the Council's 91st meeting.

Justice Fatima, the daughter of former Court of Appeal President Zainab Bulkachuwa, is reported to have never held any position in the judiciary, before her nomination as a judge. At age 35, Justice Fatima was said to have worked briefly under Vice President Yemi Osinbajo as special assistant and even then, she reportedly worked from home, saying her husband did not want her to "do strenuous hours." Justice Fatima was eventually appointed a judge of the FCT High Court along with Justice Njideka Nwosu-Itheme and twenty (20) others, after Justice Mary Odili reportedly lobbied the NJC to "clear everybody".



Justice Zainab Bulkachuwa

Zainab Bulkachuwa was a Nigerian judge and the first female president of the Court of Appeal. She served as a judge in the Bauchi State High Court before she was elevated to the Court of Appeal in 1998. On April 14, 2014, former President Goodluck Jonathan, appointed her as President of the Court of Appeal, a position which she held until March 6, 2020 when she retired.

6



DONGBAN-MENSEMS

■ The Dongban-Mensem's

Justice Mandy Bassi 

Justice Dongban-Mensem is a member of the NJC which recommended her daughter, Buetnaan Mandy Bassi, to be appointed a judge of the Plateau State High Court in 2021. Justice Bassi, like her mother, has recently transferred her service to the FCT Judiciary after her mother, through the NJC has again, approved her nomination as a judge of the FCT, High Court.

Justice Mandy Bassi is married to Justice Paul Ahmed Bassi, a Justice of the Court of Appeal whose elevation to the Court on September 20, 2023 was approved by his mother-in-law, Justice Dongban-Mensem, the president of the Court and member of the NJC.



Justice M.B. Douglas-Mensem

Justice Dongban-Mensem was appointed a Judge of the High Court of Plateau, from 1993-1996 before she transferred her service to the Federal Capital Territory Judiciary in 1997, where she served until her elevation to the Court of Appeal in 2003. She was sworn-in as the President of the Court of Appeal, on June 19, 2020, by the then Chief Justice of Nigeria, Justice I.T Muhammed.



Justice Paul Ahmed Bassi

Justice Mandy Bassi is married to Justice Paul Ahmed Bassi, a Justice of the Court of Appeal. Prior to his elevation to the appellate court, Justice P.A Bassi was a judge of the National Industrial Court and was historically the second judge of the Court to be elevated to the appellate court. He was appointed a Judge of the National Industrial Court of Nigeria on July 14, 2017 and on September 20, 2023 –three years after his mother in-law, Justice Dongban-Mensem, became the President of the Court of Appeal, he was elevated to the same Court.

7



NGENES

■ The Ngene's

Lillian Adanna Ngene



Ijeoma Adaora Ngene



Hon. Justice Ngene Anagu Elvis

Hon. Justice Ngene Anagu Elvis is a Nigerian judge and the current Chief Judge of the Ebonyi State High Court.

About two years into his tenure as Chief Judge and Chairman of the Judicial Service Commission, Justice Ngene appointed 14 Magistrates into the State's Judiciary. Among the 14 appointees are Lillian Adanna Ngene and Ijeoma Adaora Ngene who are the wife and daughter-in-law of the Chief Judge.

Condemning the duo's appointment as nepotistic, Chidi Odinkalu, Professor of Practice in International Human Rights Law at Tufts University and former Chairman of Nigeria's National Human Rights Commission remarked that: **"The Ebonyi State Judicial Service Commission chaired by Chief Judge EA Ngene has approved the appointment of 14 new Magistrates. 2 of the appointees are Lillian Adanna Ngene & Ijeoma Adaora Ngene. 1 is in his bedroom; the other is in the bedroom of his brother."**

8



ARIWOOLAS

■ The Ariwoola's

Olukayode Ariwoola Jr



About a year after he was sworn-in as Chief Justice, Justice Ariwoola who chaired the NJC, approved the appointment of his son, Olukayode Ariwoola Jr, as Judge of the Federal High Court. The son of the CJN who was specifically sworn-in on October 4, 2023 was a legal researcher with the National Judicial Council and had only worked as a legal practitioner, with Olujinmi & Akeredolu Firm between 2011 and 2021 prior to his appointment.



Kayode Olu Ariwoola

Kayode Olu Ariwoola is a Nigerian Jurist and the current Chief Justice of Nigeria. His Lordship was appointed the substantive Chief Justice of Nigeria on June 27, 2022 following the resignation of his predecessor, Justice I.T Muhammed.



Adebayo Lateef Ariwoola

In the same year that the CJN recommended his son for appointment, he also promoted his younger brother, Adebayo Lateef Ariwoola, to Deputy Director, Audit, of the National Judicial Council.

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ARIWOOLAS

■ The Ariwoola's

Olukayode Ariwoola Jr



Not done, the CJN in the same year and as chairman of the Federal Judicial Service Commission nominated his daughter-in-law, Ariwoola Oluwakemi Victoria, as a judge of the FCT High Court. He thereafter (as chairman of the NJC) approved her nomination and has recently recommended her for the appointment to the President.



Lateef Adebayo Ganiyu

The same year he promoted his younger brother, the CJN additionally approved the promotion of his nephew, Lateef Adebayo Ganiyu, to the Court of Appeal.



Part Three

Identification of Patterns of Nepotism in the Judiciary

Identification of Patterns of Nepotism in the Judiciary

From the case studies highlighted above, certain patterns of nepotism can be identified. These include:

The Procedure for Appointment

Nepotism is often observed in the procedure for the recruitment of judges into the judiciary. It is observed that the procedure is vague and opaque which gives the recruiting authority room to decide whether or not to comply with laid down rules such as the need to comply with the federal character principle during recruitments. An apt example of this, is the recent nomination of Ariwoola Oluwakemi Victoria, the daughter-in-law of the current Chief Justice of Nigeria, as judge of the FCT, High Court. Not only is Victoria reportedly a junior magistrate and therefore, unqualified for the position, her nomination by the Chief Justice was done in gross violation of the federal character principle. The Peoples Gazette quoted a judicial source as disclosing that:

“The CJN personally asked the FCT CJ to do this exercise to employ his daughter-in-law before his retirement in August. When is he going to realise that the Nigerian judiciary is not his personal asset?”

Leadership Influence

The recent surge in nepotistic practices by politicians and judicial officers can be traced to precedents set by past politicians and judicial officers. These precedents negatively influence the style of leadership of current leaders and are sometimes cited as justification for nepotistic practices.

Cultural Factors

It is observed that in Nigeria, there is a culture and deep-rooted societal norm that children of influential parents must follow in the career path of their parents. This is so at times, whether they are happy with the decision or not. It is observed that for some family, the reason is so that the children can continue with the legacy of their parents and not necessarily for the public good. For instance, shortly after the demise of Chief Justice Idris Legbo Kutigi in 2018, one of his sons, Mohammed, a former member of the House of Representatives, was asked in an interview if any of his siblings was working in the judiciary like his father did. Mohammed responded:

“A family like mine will definitely breed lawyers among the children. We have two judges, a chief registrar and two administrative officers (among us) working in the Nigerian judiciary. You will agree with me that we have a task to do and that is to keep our father's name going strong and also maintain or improve on the standards laid by our late dad”

Abuse of the Federal Character Principle

ordinarily, all appointments into public institutions and establishments including the judiciary ought to comply with the federal character principle. But because of the opaque nature of the recruitment process of the judiciary, this principle, most often than not, is observed in breach. An apt example is the recent nomination of the daughter-in-law of the current Chief Justice of Nigeria; and the daughter of the Chief Judge of the FCT High Court. Although it is a fact that Oyo and Kogi states, the States of origin of the Chief Justice and the FCT Chief Judge respectively, already have two serving judges on the bench of the FCT High Court and therefore, ought not to have

nominated any candidate for appointment in line with the federal character principle, the Chief Justice of Nigeria and his counterpart, the Chief Judge of the FCT High Court, in gross violation of this principle, proceeded to nominate their family members for the position with impunity.

Lack of Accountability and Impunity

The menace of nepotism in the judiciary is exacerbated by lack of accountability on the part of erring officers. Most often than not, those who flout the laws governing recruitment into the judiciary are those charged with the responsibility of accountability. For instance, the current Chief Justice of Nigeria who is the chairman of the National Judicial Council – the body that is saddled with the responsibility inter alia, of disciplining judicial officers – is the same person who is openly practicing nepotism with impunity. The question is, who will hold the Chief Justice to account?



Part Four

Impact of Nepotism on the Judiciary

Impact of Nepotism on the Judiciary

Nepotism has become the cardinal principle of state policies in Nigeria. For the Nigerian judiciary, it has become a culture whereby a single family can have up to three generations of judges on the bench; with other family members occupying other key administrative positions without let or hindrance. Igbokwe has described this type of practice as “Familiocracy” and has opined that “it is antithetical to democracy.” Nepotism has a huge impact on public trust and the quality of decisions rendered by judges. Discussed below are some of the negative impacts of nepotism on the judiciary:

■ Nepotism Undermines Meritocracy

: The concept of nepotism contemplates the favouring of kinsmen and family members over merit and competence. Recruitments into the judiciary which are tainted by nepotism violate or are antithetical to the principle of meritocracy.

■ Nepotism Erodes Public Trust

Public trust and confidence in the judiciary diminishes when citizens perceived that judicial decisions are based on family ties and personal connections rather than impartiality. An apt example of this was when Adamu Bulkachuwa, the then Senator representing Bauchi North, in the Nigerian Senate, while speaking during the valedictory session of the 9th Senate, boasted about how he infringed on his wife's freedom and independence as a judicial officer while she served as President of the Court of Appeal. In his words:

“My wife, whose freedom and independence I encroached upon while (she) was in office, and she has been very tolerant and accepted my encroachment and extended her help to my colleagues.

”

The above comment drew criticisms and public outcry from citizens with some even calling on the National Judicial Council to review all past judgments of Justice Zainab Bulkachuwa; and to sanction her if found culpable. Even the Nigerian Bar Association had also called on the Inspector General of Police and the Independent Corrupt Practices and Other Related Offences Commission to invite and prosecute Senator Adamu Bulkachuwa for his open confession.

■ Nepotism Distorts Fair Competition

When judicial positions are distributed among family members without recourse to merit and competence, it invariably affects the pool of competent professionals in the field as candidates, who though qualified but are dropped to pave way for family members, will feel discouraged or demotivated to compete in subsequent recruitment exercises.

■ Nepotism Impacts Negatively on Justice Delivery

Because the concept of nepotism does not contemplate experience, qualification, merit and competence but only looks to familial ties and personal connections, the quality of decisions dispensed by affected judicial officers is usually impacted negatively

■ Nepotism Weakens Judicial Independence

Judges who are appointed on the basis of nepotism will naturally think twice before handing down decisions that will adversely affect those who helped them to get jobs in the Judiciary. This hesitation due to personal ties, in no small measure, undermines the independence of the judiciary.



Part Five

Challenges in Addressing Nepotism

Challenges in Addressing Nepotism

The Nigerian judiciary is faced with myriad of issues, some of which are corruption, financial mismanagement, opacity in appointment process, nepotism etc. With specific reference to nepotism, highlighted below are some of the challenges in addressing the vice in the Nigerian judiciary.

Entrenched Cultural Practices

The deep-rooted societal norm of giving jobs to children of late or retired justices with a view for the children to carry on with their parents' legacies makes it difficult to tackle the menace of nepotism in the judiciary. Even worse, the practice perpetuates inequality as it limits opportunities for talented individuals who lack influential connections to get jobs with the judiciary.

Lack of Transparency and Weak Enforcement of Extant Laws

Acts of nepotism go unchecked because the procedure for appointment and elevation of judges is opaque and not open to public scrutiny. Additionally, extant laws which set out the requirements for appointment and promotion of judicial officers and which are meant to be complied with in the process of the recruitment and promotion are hardly ever implemented. This makes it challenging to check nepotism in the judiciary.

Lack of Accountability

Closely related to the above, is the challenge of accountability by judicial officers and their staff. Most acts of nepotism are carried out by persons who are charged with the responsibility of holding other judicial officers accountable. For instance, the Chief Justice of Nigeria who is the chairman of the National Judicial Council—the body saddled with the responsibility of disciplining judicial officers- is the same judicial officer who is being accused of nepotism following his nomination of his son, daughter-in-law, younger brother and nephew to juicy positions in the judiciary.

Resistance to Change

Judicial officers who are benefitting from nepotism may put up resistance against attempts to alter the status quo. They could create obstacles or frustrate efforts directed at eliminating the menace from the system.

Political Influence

The culture of favouring family members with juicy appointments in the judiciary is not limited to judicial officers alone. State Governors as indeed, most politicians are also guilty of this practice. The enormous political influence which these politicians wield over their judicial appointees not only limit judicial independence but could frustrate efforts geared at curbing the menace of nepotism in the judiciary.



Part Six

Findings and Recommendations

Findings and Recommendations

Findings

Highlighted below are our findings after examining the trend and patterns of nepotism in the Nigerian judiciary:

- That the procedure for the appointment of especially judicial officers into the judiciary is opaque and that this makes it difficult to check nepotism.
- That precedents on nepotistic practices by past Judicial officers greatly influence future officers who eventually toe the path of their predecessors in also installing their family members in the Judiciary.
- That recruitment into the judiciary is greatly influenced by cultural factors such as the deep-rooted norm of giving jobs to children of serving/retired/deceased judicial officers simply so the children could carry on with the “legacies” of their parents.
- That the federal character principle exists only in principle and not in practice as resort is hardly had to same during recruitment process.
- That nepotism thrives because those who practice it are almost never held accountable. This is not unconnected with the fact that those who are saddled with the responsibility of enforcing accountability in the judiciary are the same persons practicing nepotism.
- That applicants who participated in recruitment processes but are screened out for lack of personal or familial connections hardly speak out or challenge such injustice. This has emboldened the recruiting authorities to continue to recommend only their family members and cronies for appointment.
- The law as presently constituted encourages rather than discourages nepotism among the leadership of the judiciary. The Chief Justice of Nigeria has the exclusive power under the Constitution to appoint all the members of the National Judicial Council except for the next most senior justice of the Supreme Court, the President of the Court of Appeal and the Chief Judge of the Federal High Court. This enormous powers gives the CJN room to appoint his allies into the Council who would do his bidding including not opposing candidates selected by him for recommendation to the President for appointment into the judiciary.

Recommendations

In the light of the challenges and findings identified above, the following recommendations are suggested for addressing the menace of nepotism in the Nigerian judiciary:

- **Implementation of the Code of Conduct for Judicial Officers and the UN Basic Principles on the Independence of the Judiciary:** The Code of Conduct for Judicial Officers contains provisions that expressly prohibits nepotism. Rule 8.3 of the Code provides that: “A Judge who takes advantage of the judicial office for personal gain or for gain by his or her relative or relation abuses power. A Judge must avoid all activity that suggests that his or her decisions are affected by self-interest or favoritism, since such abuse of power profoundly violates the public's trust in the judiciary.” Principle 10 of the UN Basic Principles on the Independence of the Judiciary contains similar prohibition. Accordingly, enforcing these rules/principles as well as other relevant laws on the provision of nepotism will help in curbing the menace of nepotism in the judiciary.
- **Transparent Appointment and Promotion Processes:** To improve public trust and confidence in the judiciary, the procedure for the appointment and promotion of judges must be clearly defined; with the requisite criteria that must be met clearly spelled out. The NJC and FJSC rules on recusal based on conflict of interest must be clearly enforced during recruitment exercises. The rules should provide for a situation where the NJC and the FJSC can outsource the recruitment exercise to third party contractors in the event that conflict of interest cannot be avoided. The appointing authority (the President or Governor, as the case may be) must ensure that all requirements of the law (including the background report of the applicants by the State Security Service) relating to the appointment and promotion of judges are satisfied or complied with before the job is offered to the applicants.

- **Enactment of Anti-Nepotism Laws:** In the light of the prevalence of nepotism in the Nigerian judiciary, there is a need to criminalize the practice to deter further abuse of power by especially politicians and judicial officers who engage in such practice. Accordingly, a law is suggested to be enacted which will expressly make nepotism a crime and which would prescribe commensurate punishment for the offence, in addition to outright dismissal of the erring officer from office, to serve as deterrent to others.
- **Develop Merit-based Criteria for Appointments:** The conditions for appointment of judges or their promotion should be clearly spelled out in a policy; and strictly adhered to. The recruiting authority should ensure that only qualified persons are appointed into the judiciary based on the set criteria contained in the policy.
- **Education and Training of Judicial Officers and Staff:** To succeed in the fight against nepotism, there is need for continuous education and training of judges and judicial staff generally on the evil of the practice. Sensitizing judicial officers on the importance of impartiality; and the dangers that nepotism pose to judicial independence will greatly reduce incidences of nepotism in the judiciary.
- **Unbundling the Office of the Chief Justice:** The powers of the Chief Justice of Nigeria (CJN) is enormous and should be reduced if nepotism is to be kicked out of the judiciary. Currently, the Chief Justice as Chairman of the Federal Judicial Service Commission (FJSC), has the power to initiate recruitment of judicial officers into the High Court of the FCT, Federal High Court, the Court of Appeal and the Supreme Court. Still as Chairman of the FJSC, he has the power to nominate candidates of his choice for the vacant posts advertised and has a further power to advise the National Judicial Council on the suitability of the candidates nominated. Then as Chairman of the National Judicial Council, he has the power to accept his own advice, and to thereafter recommend the selected candidates for appointment to the President. The implication of this, is that the CJN literally decides who becomes a Justice of the aforementioned courts and when. To check nepotism by the CJN therefore, there is need to amend extant laws to reduce the powers of the CJN by making each of the relevant bodies to be headed by different persons other than the CJN alone.
- **Power of the Chief Justice to Appoint Members of the NJC should be Reviewed:** The Chief Justice of Nigeria has the exclusive power under the Constitution to appoint all the members of the National Judicial Council except for the next most senior justice of the Supreme Court, the President of the Court of Appeal and the Chief Judge of the Federal High Court. This means that the CJN can decide to appoint his allies who support his vision of nepotism at the expense of merit. To check this menace therefore, paragraph 20 of the Third Schedule to the Constitution must be amended to allow the next most senior justice of the Supreme Court, the President of the Court of Appeal and the Chief Judge of the Federal High Court to have a say in the recruitment of other members; or membership could be zoned to the various regions of the country to promote the federal character principle.
- **Aggrieved Applicants for Recruitment should speak Out against Incidences of Nepotism:** persons who applied for but are unsuccessful in any recruitment exercise should cultivate the habit of speaking out or taking legal action particularly where they perceive that the recruitment exercise was predicated on nepotism or favouritism rather than merit. Incidences of nepotism continue to thrive because unsuccessful candidates choose to keep mute when they have been unjustifiably screened out of recruitment processes mainly for lack of personal or familial connections. Case laws have consistently shown that it is only such persons that have the locus standi to challenge such injustice and not any other person.



Part Seven

Conclusion

Conclusion



This report interrogated the historical evidence of nepotism in the Nigerian judiciary shortly after the country's independence. The report found that certain prominent Nigerian families have up to three generations of judges on the bench of the judiciary (not counting the administrative staff) and that for some of the families, the rationale for having that many number of family members on the bench is not for public service but so as continue to uphold the family name or legacy. The report identified patterns of nepotism as well as discussed the challenges in addressing these menace even as they impact negatively on the judiciary. The report concluded with key findings of the work and suggested recommendations which if implemented will drastically reduce incidences of nepotism in the Nigerian judiciary.



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