

THE APPOINTMENT AND REMOVAL OF JUDICIAL OFFICERS IN NIGERIA: A LEGAL APPRAISAL

Abstract

It is widely recognized that the government of Nigeria has three arms of government: the legislature, executive and judiciary. The Courts are constitutionally vested with judicial powers which include the power to interpret the law and determine cases. For the effective administration of the judicial powers, there is a need for the right people to be put in judicial offices and for them to be granted a considerable measure of tenure. This underscores the necessity for meritocracy cum transparency in the appointment and removal of judicial officers in Nigeria, as it is crucial for preserving judicial independence and the rule of law. Essentially, the motivation for this research is to interrogate the legal and institutional frameworks and the procedures for the appointment and removal of judicial officers in Nigeria. The primary aim of this research therefore, is to offer a detailed legal analysis of these procedures, with specific objectives which include analyzing the legal and institutional frameworks governing the process and identifying challenges within the current system. This study employs the doctrinal research method and comparative legal analysis approach, utilizing primary and secondary sources of data. The researchers identified several challenges in the current appointment and removal procedures of judicial officers in Nigeria. Therefore, The researchers concluded that significant reforms in the processes of appointment and removal of judicial officers in Nigeria are necessary for an independent judiciary, and recommended the implementation of more transparent and merit-based appointment procedures, the establishment of more efficient removal procedures, and incorporation of the best practices from other jurisdictions to improve the legal and institutional frameworks in Nigeria.

Keywords: Appointment, Removal, Judicial Officer, Judiciary.

1.0 Introduction

Sometimes, it is by application and functioning of a legal framework that its strengths, weaknesses and loopholes can be identified. When such loopholes have been identified, it becomes imperative that an amendment or restructuring be made. Though there are constitutional provisions in Nigeria vis-a-vis the appointment and removal of the judicial officers, there are still challenges which need to be tackled efficiently. This is what informs this study as the researchers conducted a legal appraisal of the appointment and removal of judicial officers in Nigeria, the problems the processes have encountered, the ways such problems can be tackled, the likely potential future issues and ways to resolve them.

Notably, the judiciary stands as a cornerstone of democratic governance cum rule of law, ensuring the balance of power, protection of rights, and the administration of justice.¹ In

***Odinakachukwu Emmanuel Okeke**, LLB, BL, LLM, PhD is a Lecturer in the Department of International Law and Jurisprudence, Faculty of Law, Nnamdi Azikiwe University, Nigeria. His email address is oe.okeke@unizik.edu.ng.

** **Chinazor Queen Umeobika**, LLB, BL, LLM, PhD is a Reader in Private & Property Law Department, Faculty of Law, Nnamdi Azikiwe University, Nigeria. Her email address is cq.umeobika@unizik.edu.ng

*****Ifeanyi Victor Oli**, LLB graduated from the Faculty of Law, Nnamdi Azikiwe University, Nigeria in 2023/2024 academic session. He is currently a student of the Nigerian Law School. His email address is ifeanyioli1526@gmail.com.

******Godswill Chinedu Ihionu**, LLB graduated from the Faculty of Law, Nnamdi Azikiwe University, Nigeria in 2023/2024 academic session. His email address is ihionugodswillchinedu90@gmail.com.

¹ E Adegboruwa, 'Role of The Judiciary In The Development Of Democracy' <<https://lawpavilion.com/>>

Nigeria, a country marked by its complex political history and diverse cultural landscape, the integrity and independence of the judiciary are paramount.² The processes for the appointment and removal of judicial officers, therefore, bear significant implications for the rule of law, the functionality of the legal system, and the overall socio-political stability of the nation.³

It is instructive to observe from the onset that the Constitution of the Federal Republic of Nigeria 1999 is the primary legal document governing the appointment and removal of judicial officers in Nigeria. The extant Nigerian Constitution provides that independence, impartiality and integrity of courts of law, and easy accessibility thereto, shall be secured and maintained.⁴ The independence of the judiciary entails that judicial officers are free from any external influence in the exercise of their judicial functions. However, the sad reality is that the judiciary lacks independence, hence the processes of adjudication of disputes suffer from interference from the government. Corruption, nepotism and procedural inefficiencies also serve as some of the flaws prevalent in the Nigerian judiciary. The appointment and removal processes are governed by an intricate legal framework which consists of constitutional provisions, judicial precedents and statutory regulations. This however does not prevent the aforementioned challenges from influencing these processes, which results in the appointment of persons who do not possess the requisite qualifications needed to occupy such judicial positions.

The appointment process is a complicated one which involves the careful and detailed selection of individuals possessing the desired requirements, qualifications, experience, competence and integrity to properly and impartially administer justice. Ayuba stated thus, "A judicial officer is the representative or personification of God Almighty on earth."⁵ He went ahead to say that such judicial officer, like a High Court Judge, who has the power to condemn a human being to death rightly or wrongly cannot shy away from such a description, and that the appointment of a judge is of more importance than the election of a legislator.⁶ This excerpt throws some light on the reasons for careful selection of judicial officers. This is why the appointment process is supervised by key administrative bodies such as the National Judicial Council (NJC), the Federal and State Judicial Service Commissions, and the executive arm of government. However, these bodies also have their weaknesses. One major example of the challenges facing the appointment process of judicial officers can be observed from the blatant nepotism in the appointment of Olukayode Ariwoola Jr. as Judge of the Federal High Court by his father, the then Chief Justice of Nigeria, Chief Justice Ariwoola. The then Chief Justice of Nigeria is largely believed to have used his authority as the Chairman of the National Judicial Council to recommend and facilitate the appointment of his son to the bench. He also put other members of his family in high judicial positions, using his then position as the head of the National Judicial Council and Federal Judicial Service Commission.

On the other hand, the process of removal of judicial officers is equally significant. This

blog/role-of-the-judiciary-in-the-development-of-democracy/#google_vignette> accessed 14 March 2025.

²*Ibid.*

⁵⁷⁷*Ibid.*

⁵⁷⁸Constitution of the Federal Republic of Nigeria 1999 (as amended), Cap.C23 LFN 2004, S 17(2)(e).

⁵G Ayuba, 'Appointment of Judicial Officers: An Examination of the Governing Considerations' <https://www.researchgate.net/publication/344179029_APPOINTMENT_OF_JUDICIAL_OFFICERS_AN_EXAMINATION_OF_THE_GOVERNING_CONSIDERATIONS> accessed 7 February 2025

⁶*Ibid.*

process is also monitored by the NJC and other administrative bodies, and is designed to be fair and transparent by addressing instances of misconduct, corruption or incompetence in the judiciary. However, the removal process is also riddled with some challenges such as corruption and political interference. Interference from the other arms of government is also a serious issue in the removal process, and this can be seen in the involvement of the legislative and executive arms of government in the removal of the Chief Justice and heads of other courts. This goes against the principle of separation of powers and undermines judicial independence.

The foregoing underscores the background to this research as the researchers seek to appraise the appointment and removal processes of judicial officers in Nigeria, by analysing the constitutional and statutory provisions, as well as evaluating the roles of the National Judicial Council (NJC), Federal Judicial Service Commission (FJSC), and the state counterpart, and other relevant bodies. This research further seeks to uncover the strengths and weaknesses of the current system, as well as give insight into its effectiveness and make recommendations for a more transparent, fair, efficient and credible judiciary in Nigeria. Furthermore, this research aims to highlight the pivotal challenges and controversies which have shaped these processes over the years, and then proffer recommendations for addressing the weaknesses/challenges

2.0 Conceptual Clarifications

The concepts of Judiciary, Judicial Office, Judicial Officer, Judicial Independence, Judicial Ethics, Judicial Immunity, the Doctrine of Separation of Powers, Rule of Law, Appointment, and Removal are the key concepts clarified hereunder for ease of understanding of the Paper as they are relevant to the subject matter of the research.

2.1. The Judiciary

Judiciary can be defined as the branch of government responsible for interpreting the laws and administering justice.⁷ It encompasses the system of courts and judges that adjudicate legal matters, ensure adherence to legal principles, and uphold the rule of law within a state or nation. The judiciary operates independently from the executive and legislative branches of government, ensuring that judicial decisions are made based on legal reasoning and without external influence.⁸ It is the only branch not made up of elected representatives, but of personnel appointed to perform the very fundamental role of adjudication in society, which sometimes has a greater effect on the lives of the people much more than the actions of the other two arms of government.⁹

The Black's Law Dictionary defines the judiciary as "the branch of government invested with judicial power; the system of courts in a country; body of judges, and that branch of government which is responsible for interpreting the law and administering justice."¹⁰ The judiciary serves as a check on unconstitutional and unlawful conduct of the other arms of government in order to entrench the rule of law, good governance, and peaceful and harmonious existence.¹¹

⁷BA Garner, *Black's Law Dictionary* (8th end, Minnesota: Thomson West, 2021) 2481

⁸DS Law, 'Judicial Independence' <<https://www.britannica.com/topic/judicial-independence>> accessed 6 May 2025.

⁹KM Mowoe, 'Constitutional Law in Nigeria' (Rev.edn, Malthouse Press Limited, 2008)

¹⁰BA Garner (edn), *Black's Law Dictionary* (8thedn), USA 2004, 2480-2481

¹¹SB Lugard, 'Judicial corruption as a self-inflicted impediment to the independence of the judiciary in Nigeria' *Research Gate* (2017) <https://www.researchgate.net/publication/322333896_Judicial_corruption_as_a_self-inflicted_impediment_to_the_independence_of_the_judiciary_in_Nigeria> accessed 10 May 2025.

The Nigerian Constitution provides that judicial powers in a Federation¹² and State¹³ shall be vested in the courts established for the Federation and State respectively. Thus, the Nigerian judiciary is represented by the court system which is hierarchical in nature, consisting of various levels of courts vested with judicial power by the Constitution, with the Supreme Court of Nigeria at the apex, followed by the Court of Appeal, Federal High Court, High Court of the States and Federal Capital Territory (FCT), Abuja; Sharia Court of Appeal of the States and FCT, Customary Court of Appeal of the States, and such other courts as may be authorized by law.¹⁴ These courts are charged with the responsibility of administering justice and upholding the rule of law. The judiciary has also been defined as the branch of government that is endowed with the authority to interpret and apply the law, adjudicate legal disputes and otherwise administer justice.¹⁵

2.2 Judicial Officers

Judicial officers encompasses the individuals who hold positions within the judiciary and are responsible for interpreting the law and adjudicating disputes. There is nowhere in the Constitution that the phrase Judicial Officer has been defined.¹⁶ Judicial officers have been classified into Federal and State Judicial Officers. This classification has been made based on the persons empowered by the Constitution to appoint such judicial officers.¹⁷ Federal Judicial Officers are judges of the Superior Court of Records, who fall under the powers of the President of Nigeria to appoint. The Judicial Officers appointments saddled with the State Governors are called the State Judicial Officers. The Black's Law Dictionary defines a judicial officer as a "judge or magistrate; any officer of the court, such as a bailiff or court reporter."¹⁸

A judicial officer has also been defined as any person in Nigeria that performs a judicial duty relating to the hearing and determination of cases in a court or other tribunal. The list of judicial officers provided in the 1999 Constitution¹⁹ are identical to the ones named by the Code of Conduct for Judicial Officers.

2.3 Judicial Ethics

Judicial Ethics consists of the standards and norms that bear on judges and covers such matters as how to maintain independence, impartiality, and avoid impropriety.²⁰ It is a part of legal ethics, which deals with ethical issues in the legal profession. Judicial ethics refers to the standards of conduct and moral principles that govern the behavior of judicial officers. These ethical guidelines are essential for maintaining the integrity, impartiality, and

¹²Constitution of the Federal Republic of Nigeria 1999, S 6(1)

¹³*Ibid.*, S 6(2)

¹⁴Constitution of the Federal Republic of Nigeria 1999, s. 6(5)

¹⁵LI Lakai, 'The Nigerian Judiciary in the 21st century and the challenges in justice delivery' *Nomos e-library* (2017) <https://www.nomos-elibrary.de/10.5771/2363-6262-2017-3-424.pdf?download_full_pdf=1> accessed on 9 May 2025.

¹⁶RS Muhammad, et al., "Misconduct by a Judicial Officer in Nigeria: An Analysis of its Scope", Ahmadu Bello University, *Zaria Journal of Public and International Law* 1, no.7 (2015):104

¹⁷MA Aliyuet al, 'An Appraisal of the Constitutional and Regulatory Mechanisms for the Appointment of Judicial Officers in Nigeria and Associated Challenges' [2018](9) *UUM Journal of Legal Studies* 91-114 <<https://e-journal.uum.edu.my/index.php/uumjls/article/view/uumjls.9.2018.9106>> accessed on 9 May 2025.

¹⁸BA Garner (ed), *Black's Law Dictionary* (8thedn), USA 2004, 2480-2481

¹⁹Constitution of the Federal Republic of Nigeria 1999, s. 292.

²⁰Cornell Law School, 'Judicial Ethics' (2023) <https://www.law.cornell.edu/wex/judicial_ethics_#:~:text=Judicial%20consists%20of%20the,%2C%20impartiality%2C%20and%20avoid%20impropriety>accessed on 9 May 2025.

independence of the judiciary. Judicial Ethics has also been defined as the system of moral principles that govern judicial officers.²¹ Judicial ethics consists of several characteristics, and the European Network of Councils for the Judiciary (ENCJ) in the Report 2009-2010 on Judicial Ethics²² provides that independence, integrity, impartiality, reserve and discretion, diligence, respect, the ability to listen, equality of treatment, competence and transparency, are common values identified as essential to the judicial role²³, and these are all essential qualities of judicial ethics which judicial officers are expected to possess. Judicial Ethics can generally be recognized as ensuring the independence, impartiality and integrity of courts and judges, which have always been recognized as the core values in a democratic society, as reasonably expected from the judiciary.²⁴

2.4 Rule of Law

The Rule of Law is a fundamental principle that underpins democratic governance and legal systems worldwide. The rule of law being a constitutional concept remains the cornerstone of governance in any given polity.²⁵ It means that everything must be done according to the law.²⁶ This implies that both the government and the governed must always justify their actions in law and that government should be conducted within the framework of recognized rules and principles which restrict discretionary power.²⁷ It signifies the idea that the law applies equally to all individuals and institutions, ensuring that legal processes and decisions are made according to established rules and principles rather than arbitrary decisions or personal biases.

2.5 Doctrine of Separation of Powers

The Doctrine of Separation of Powers refers to the principle of distributing governmental authority into distinct branches, each with its own powers and responsibilities, to ensure a system of checks and balances that prevents any single entity from accumulating excessive power.²⁸ This principle is rooted in the desire to protect individual liberties and promote a more efficient and equitable system of governance.²⁹ The concept of separation of powers can be traced back to the political philosophy of Montesquieu, who articulated the idea in his seminal work, *The Spirit of the Laws*³⁰. Montesquieu argued that for a government to remain just and effective, its powers should be divided into separate branches: legislative, executive,

²¹ MJ Chibita, 'Judicial Ethics: Theory and Practice' *Legal Ethics and Professionalism: A Handbook for Uganda* (2014) <https://repository.globethics.net/bitstream/handle/20.500.12424/216663/Chibita_Judicial_ethics_theory_practice.pdf?sequence=1&isAllowed=y> accessed on 9 May 2025.

²² ENCJ Working Group, *Judicial Ethics Report 2009-2010*, <<https://www.encj.eu/images/stories/pdf/ethics/judicialethicsdeontologiefinal.pdf>> accessed on 11 May 2025.

²³ Principles of Judicial Ethics, *Official Journal of the European Union* [2016] 59 <https://www.unodc.org/documents/ji/discussion_guides/ENCJ_Supporting_Documents.pdf> accessed on 9 May 2025.

²⁴ M Simonis, 'The Role of Judicial Ethics in Court Administration: From Setting the Objectives to Practical Implementation' *Baltic Journal of Law and Politics* [2017] 10(1) 90-123 <<https://www.degruyter.com/view/j/bjlp>> accessed on 9 May 2025.

²⁵ MO Nwogu, 'The Rule of Law in Governance in Nigeria' *JILJ* (2020) 1(1), 187.

²⁶ *Miscellaneous Offences Tribunal v. Okoroafor* (2001) 18 NWLR (Pt. 745) 310 t 327

²⁷ *Ibid.*

²⁸ S Wiener and L Click, 'Separation of Powers | Overview, History & Examples' <<https://study.com/academy/lesson/separation-of-powers-definition-examples-quiz.html#:~:text=The%20separation%20of%20powers%20divides,function%20at%20the%20same%20time.>> accessed 16 April 2025.

²⁹ S Wiener and L Click, 'Separation of Powers | Overview, History & Examples' <<https://study.com/academy/lesson/separation-of-powers-definition-examples-quiz.html#:~:text=The%20separation%20of%20powers%20divides,function%20at%20the%20same%20time.>> accessed 16 April 2025.

³⁰ OLL, 'Montesquieu and the Separation of Powers' <<https://oll.libertyfund.org/pages/montesquieu-and-the-separation-of-powers>> accessed 16 April 2025.

and judicial.³¹

2.6 Appointment

According to the Black's Law Dictionary, appointment is an arrangement between two or more persons for the conduct of some undertaking especially a judicial proceeding³². William Blackstone defined appointment in the context of the English common law as the act of designating an individual to a particular office or position of trust by a person or authority vested with power to do so. He emphasized that appointments must follow legal procedures and carried out by those who have the authority to appoint³³.

Dicey, a prominent constitutionalist emphasized the role of rule of law in appointments. He argued that appointments should be made according to legal rules rather than arbitrary decisions, ensuring fairness and accountability in public administration.³⁴ An appointment in a judicial office to the selection and assignment of a person to a judgeship or a judicial position by a higher authority such as government executive (President, Governor *etc.*), legislative body and judicial council or commission. This appointment typically involves nomination *i.e* selecting a candidate for the judicial position, confirmation which involves approving the candidate through a formal process and commissioning which involves officially authorizing the person to hold the judicial office. Judicial appointments can be fixed term appointment (*e.g* specific years or until a certain age) or temporary appointments.³⁵

2.7 Removal

Removal can refer to the dismissal from position of authority or office or termination of such position by another who has the authority to terminate it. The Black's Law Dictionary defined removal as the transfer of a cause or suit from one court to another³⁶. Chemerisky in the context of constitutional law particularly regarding the removal of a president or other high ranking officials describes removal as the process outlined in the Constitution, which involves impeachment by the House of Representatives and conviction by the Senate³⁷.

In the judicial context, "removal" generally refers to the process of removing a judge or other judicial officer from their position. A judicial officer may be removed on grounds of misconduct where he abuses his power. Judges are bound by codes of conduct and violations can lead to removal of such a judge. Where a judge is unable to perform his duties effectively due to his incompetence ranging from his lack of legal knowledge to consistent poor performance, he can be removed on such grounds. When a judge is removed from his judicial office, he is no longer authorized to preside over cases or carry out judicial functions and may be barred from holding any future judicial office and other privileges associated with judicial office.³⁸

⁶⁰⁵*Ibid.*

³²BA Garner (ed), *Black's Law Dictionary* (11thedn, West Publishing Co., 2019) p. 161.

³³W Blackstone *Commentaries on the Laws of England* (1765-1769) <<https://avalon.law.yale.edu>> accessed on 11 May 2025.

³⁴AV Dicey *Introduction to the Study of the Law of the Constitution* (8thedn, Indianapolis, Liberty Fund: 1982) p. 33.

³⁵Ginsburg *et al* *Judicial Appointments and Judicial Independence* (New York: Oxford University Press, 2009) p. 201

³⁶H Campbell *Black's Law Dictionary* (4thedn West Publishing Co,1951) p 1467

³⁷E Chemerinsky, 'The Constitutional Limits On Impeachment and Removal', *University of Pennsylvania Journal of Constitutional Law*, Vol 2(1) (1999) pp. 21-24.

³⁸S Robert 'The Impeachment and Removal of Federal Judges', *Journal of Legal Studies*, Vol. 45(2), (2020) <<https://doi.org/10.1234/jls.2020.4523>> accessed on 9 May 2025

2.8 Judicial Independence

Judicial Independence refers to the principle that the judiciary must operate free from external pressures and influences, ensuring that judges can make decisions based solely on the law and their impartial assessment of the facts.³⁹ Judicial independence is the principle which stipulates and ensures that judges are not subjected to pressure and influence when adjudicating matters and are free to make impartial decisions based solely on fact and law.⁴⁰ It further embodies the concept that a judge decides cases fairly, impartially, and according to the facts and law, not according to whim, prejudice, or fear, the dictates of the legislature or executive, or the latest opinion poll.⁴¹ This concept is fundamental to the rule of law and democratic governance, as it guarantees that judicial decisions are made impartially, without fear or favour, and are insulated from political, economic, or personal considerations.

3.0 Legal Framework for the Appointment and Removal of Judicial Officers in Nigeria

3.1 Constitution of the Federal Republic of Nigeria, 1999

It is generally acknowledged that the Constitution of the Federal Republic of Nigeria 1999 is the supreme law of the land. It is supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria.⁴² The Constitution is the *fons et origo*⁴³ of all laws and the root from which all laws, persons and institutions derive their powers. Thus, the Supreme Court in *Attorney General of Abia State v Attorney General of the Federation* per Niki Tobi held that the Constitution “.. is the beginning and the end of the legal system. the barometer with which all statutes are measured.” Its supremacy was further provided in *Section 1(3) of the Constitution of the Federal Republic of Nigeria 1999 (as amended)*⁴⁴, where it was clearly stated that if any other law is inconsistent with the provisions of the Constitution, the Constitution shall prevail and such other law shall, to the extent of its inconsistency, be void. Based on the foregoing, the 1999 Constitution serves as the supreme legal framework guiding the appointment and removal of judicial officers in Nigeria.

Additionally, the Constitution provides qualifications required for appointment to various judicial offices, the bodies responsible for making these appointments, and the removal procedures of judicial officers. The Constitution provides for the establishment of the National Judicial Council (NJC),⁴⁵ which plays an essential role as an advisory body to the executive on judicial appointments, discipline and removals. The composition, powers and functions of the NJC are outlined in Part 1 of the Third Schedule to the Constitution. The Constitution also establishes other advisory bodies for appointment and removal of judicial officers like the Federal Judicial Service Commission⁴⁶, State Judicial Service Commission⁴⁷, and the Judicial Service Committee of the Federal Capital Territory, Abuja.⁴⁸ The 1999 Constitution also provides for the executive and legislative branches of government, as these

³⁹The AIRE Centre, 'Independence and Impartiality of the Judiciary' <<https://www.rolplatform.org/wp-content/uploads/2021/09/independence-and-impartiality-of-judiciary-eng.pdf>> accessed 16 April 2025.

⁴⁰UF Ononye and AU Oguekwe, 'Independence of the Judiciary: The Nigerian Experience' *Journal of Public and Private Law* (2020) (10) 1,66.

⁴¹*Ibid.*

⁴²Constitution of the Federal Republic of Nigeria 1999, S 1(1)

⁴³ Origin and Source

⁴⁴Constitution of the Federal Republic of Nigeria 1999

⁴⁵*Ibid.*, S 153(1) (i)

⁴⁶Constitution of the Federal Republic of Nigeria, S 153(1) (e)

⁴⁷*Ibid.*, S 197

⁴⁸*Ibid.*, S 304

branches also have their roles to play in the appointment and removal of judicial officers in Nigeria. Their respective roles can be seen in *Section 231(1) of the Constitution*, where it is stated that the appointment of a person to the office of the Chief Justice of Nigeria shall be made by the President (executive) on the recommendation of the National Judicial Council (advisory body) subject to confirmation of such appointment by the Senate (legislature). *Section 292(1) (b)* provides that removal of judicial officers shall be done by the President or Governor acting on the recommendation of the National Judicial Council. Subsequent appointment and removals of other judicial officers mostly follow this method.

3.2 National Judicial Council Procedural Rules

The National Judicial Council (NJC) Procedural Rules form part of the significant legal framework for the operations of the NJC, especially with regards to the appointment and removal of judicial officers in Nigeria. The rules are designed to ensure that the NJC carries out its duties in a manner that upholds the principles of fairness, transparency and accountability within the judiciary. Rule One provides that the “Federal Judicial Service Commission, State Judicial Service Commission and the Judicial Service Committee of the Federal Capital Territory (FCT), Abuja, shall comply with these rules in their advice to the National Judicial Council for nominations or recommendations of candidates for appointment of Judicial Officers for the superior courts of record under the 1999 Constitution.”⁴⁹ This shows that these procedural rules also apply to the other advisory bodies. These procedural rules stipulate the processes for evaluating the qualifications of candidates for judicial appointments, as well as the criteria and procedures for disciplining and removing judicial officers. Actions that will disqualify a candidate for a judicial position are stipulated in Rule Four of the NJC Procedural Rules.

Additionally, the NJC Procedural Rules emphasize the importance of maintaining judicial independence and accountability, ensuring that judicial officers are held accountable for their actions. Rule Four emphasizes the importance of “good character and reputation, diligence and hard work, honesty, integrity and sound knowledge of the law and consistent adherence to professional ethics”⁵⁰ for all judicial officers.

3.3 Guidelines and Procedural Rules for the Appointment and Discipline of Judicial Officers of Lower Courts

The guidelines and procedural rules for the appointment of judicial officers of lower courts in Nigeria are established to ensure a uniform and transparent process for selecting judges and magistrates at the lower court levels. These guidelines are important for the maintenance of judicial independence, especially at the grassroots where lower courts play a vital role in the administration of justice. These guidelines and procedural rules are similar to the NJC Procedural Rules, but this version applies to lower courts while the other focuses on superior courts of record. The guidelines outline the qualifications required for candidates seeking judicial positions, as well as criteria for disqualifications. It also stresses the importance of character, integrity, and impartiality of the candidates for judicial positions. The discipline of judicial officers for misconduct is also provided in these rules.

3.4 Code of Conduct for Judicial Officers

The Code of Conduct for Judicial Officers in Nigeria is the fundamental document which

⁴⁹ National Judicial Council Procedural Rules (2014) <<https://njc.gov.ng/procedural-rules>> accessed on 9 May 2025.

⁵⁰ National Judicial Council Procedural Rules (2014) <<https://njc.gov.ng/procedural-rules>> accessed on 9 May 2025.

governs the ethical and professional behaviour expected of judges and magistrates. It applies to all categories of judicial officers throughout the Federation as defined in the Code.⁵¹ It ensures that judicial officers adhere to ethical standards when carrying out their duties. The Code provides that the judicial duties of a judicial officer take precedence over all his other activities. It is enforced by the National Judicial Council (NJC), which has the authority to investigate allegations of misconduct and impose disciplinary measures where necessary. It covers various aspects of judicial behaviour like impartiality, impropriety, accountability, integrity, diligence and independence.

4.0 Institutional Framework for the Appointment and Removal of Judicial Officers in Nigeria

4.1 National Judicial Council (NJC)

The National Judicial Council is one of the Federal Executive Bodies created by *Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria*⁵¹ Its composition, powers and functions are outlined in *Part 1 of the Third Schedule to the Constitution* and in the NJC Procedural Rules. Members of the NJC include eminent legal practitioners and senior judges, ensuring that its decisions are informed by a wealth of judicial experience. Amongst other functions, the NJC serves as the major advisory and recommendatory body responsible for the appointment, promotion and removal of judicial officers of superior courts of record. Its aims and objectives broadly encompass ensuring independence, integrity, and efficiency of the judiciary. This is achieved by appointing credible and qualified individuals into judicial positions, and effectively removing persons who commit misconduct, or who breaches the Code of Conduct for Judicial Officers. As an advisory body, the NJC recommends to the President and Governors, individuals suitable for appointment to the Federal and State Judicial Offices respectively. The names of the nominees to be considered for such appointments are forwarded or submitted to the President or Governors in a list by the Federal Judicial Service Commission, Judicial Service Committee of FCT Abuja, and the State Judicial Service Commission.⁵²⁵³ The NJC also plays a critical role in securing judicial accountability by overseeing the conduct of judicial officers and initiating disciplinary actions where necessary.

4.2 Federal Judicial Service Commission (FJSC)

Just like the National Judicial Council, the Federal Judicial Service Commission is an advisory body established by the 1999 Constitution as one of the fourteen (14) Federal Executive Bodies.⁵⁴ It was established to assist in the management and administration of the federal judiciary. The composition⁵⁵ and functions⁵⁶ of the FJSC are provided in *Part 1 of the Third Schedule to the 1999 Constitution*. It is primarily responsible for advising the National Judicial Council (NJC) on matters relating to the appointment, promotion, discipline and removal of judicial officers at the federal level. Its functions include making recommendations for the appointment of judges to federal courts, such as the Federal High Court, the Court of Appeal, and the Supreme Court, in conjunction with the NJC. The FJSC ensures that the processes for selecting and appointing federal judicial officers are based on merit, professional qualifications, and integrity. Its activities are instrumental to maintaining

⁵¹ Code of Conduct for Judicial Officers (2016) <<https://njc.gov.ng/code-of-conduct>> accessed on 9 May 2025.

⁵² National Judicial Council of Nigeria <<https://njc.gov.ng>> accessed on 11 May 2025.

⁵³ Paragraph 21(a)(i), (ii), and (c) of Part I to the Third Schedule of the Constitution (as amended)

⁵⁴ Constitution of the Federal Republic of Nigeria 1999, S 153(1)

⁵⁵ Paragraph 12 of Part I to the Third Schedule of the Constitution

⁵⁶ *Ibid.*, para 13

the integrity of the judiciary.

4.3 State Judicial Service Commission (SJSC)

There are thirty-six (36) states in Nigeria⁵⁷, and each state has a Judicial Service Commission. These are the State Judicial Service Commissions, established by *Section 197(1) (c) of the 1999 Constitution*. The SJSC are established to oversee the appointment, promotion and discipline of judicial officers at the state level. It is responsible for advising the State Governor and the National Judicial Council on matters concerning the appointment and removal of judicial officers in the judicial system of a state. This includes Judges of the State High Courts, Sharia Court of Appeal of the State and Customary Court of Appeal of the State. The SJSC ensures that the selection and appointment of judicial officers are conducted based on merit, qualifications, and adherence to judicial ethics. This body also plays a role in recommending to the NJC, the disciplinary actions and the removal of state judicial officers who engage in misconduct or fail to perform their duties in accordance with the law.⁵⁸

4.4 Judicial Service Committee of the Federal Capital Territory (FCT), Abuja

The Judicial Service Committee of the Federal Capital Territory (FCT), Abuja, is the key institution tasked with the responsibility of overseeing the administration of justice within the FCT. The Federal Capital Territory is not a state, but the capital of the Federation and seat of the Government of the Federation.⁵⁹ Established under *Section 304(1) of the 1999 Constitution*, the Judicial Service Committee of the FCT, Abuja plays a crucial role in the appointment, promotion, and discipline of judicial officers within the FCT. It advises the National Judicial Council (NJC) on the appropriate persons for nomination to be appointed to the offices of: “the Chief Judge of the Federal Capital Territory, Abuja; a Judge of the High Court of the FCT, Abuja; the Grand Kadi of the FCT, Abuja; the President of the Customary Court of Appeal of the FCT, Abuja; a Kadi of the Sharia Court of Appeal of the FCT, Abuja; and a Judge of the Customary Court of Appeal of the FCT, Abuja.”⁶⁰ The Committee ensures that these appointments are based on merit and the principles of judicial integrity. It also advises the Minister of the FCT on matters related to the judiciary within the FCT. The Committee is also responsible for recommending disciplinary actions against judicial officers within the FCT who are found guilty of misconduct or who do not efficiently perform their duties.

4.5 The Executive Arm of Government

The executive arm of government in Nigeria plays a significant role in the appointment and removal of judicial officers, reflecting the interconnection of the judiciary and the executive in the governance of the country. The judicial officers of the Federation and States are appointed by the executive arm i.e. the President and Governors respectively. Two methods can be gleaned from the appointment process under the 1999 Constitution⁶¹:

1. The first appointment method is by the President or Governor acting on the recommendation of the National Judicial Council (NJC) and confirmation by the Senate or House of Assembly, respectively.
2. The second method of appointment is by the President or Governor acting on the recommendation of the NJC.

⁵⁷Constitution of the Federal Republic of Nigeria 1999, S 3(1)

⁵⁸ Paragraph 6, Item B of Part II of the Third Schedule to the Constitution

⁵⁹*Ibid.*, S 298

⁶⁰Paragraph 1(2) (a) (i)-(vi) of 1999 Constitution.

⁶¹I Gwunireama, 'The Executive and Independence of the Judiciary in Nigeria' *Pinisi Journal of Art, Humanity and Social Studies* [2022] 2(1) 57-66 <<https://ojs.unm.ac.id/PJAHSS/article/download/32250/15108>> accessed on 11 May 2025.

The President of Nigeria and the Governors of the various states are central figures in the appointment of judicial officers. For instance, the appointment of the Chief Justice of Nigeria, Justices of the Supreme Court, and other key judicial officers requires the formal nomination by the President, subject to confirmation by the Senate. Similarly, at the State level, the Governor is responsible for appointing judicial officers as recommended by the NJC, such as the Chief Judge of the State, with confirmation by the State House of Assembly.

The involvement of the executive arm of government in judicial appointments underscores the importance of these roles in maintaining the rule of law and ensuring that those appointed to judicial offices possess the requisite qualifications, experience, and integrity. However, this involvement also raises concerns about potential political influence over the judiciary, which can affect judicial independence. The executive arm also has a role in the removal of judicial officers, as a judicial officer may be removed from office by the President or Governor on the recommendation of the NJC. Such removal must follow due process; sufficient grounds must be established such as misconduct, lack of efficient performance of judicial duties or breach of Code of Conduct.

4.6 The Legislative Arm of Government

The legislative arm of government also plays a significant role in the appointment and removal of judicial officers in Nigeria. It mostly serves confirmatory and oversight functions, as outlined in the 1999 Constitution. The legislature comprises of the National Assembly, which consists of the Senate and House of Representatives at the federal level, and the House of Assembly at the state level. This means that it is bicameral at the federal level and unicameral at the state level. Legislative power is vested in these factions i.e. the National Assembly⁶² and State House of Assembly.⁶³ The National Assembly is responsible for confirming the appointments of key judicial officers nominated by the President. This is evident on how the Senate must confirm the appointment of the Chief Justice of Nigeria, Justices of the Supreme Court, and other Heads of Federal Judicial Offices.⁶⁴ The appointment of judicial officers by the President is not complete until such appointment is confirmed by the Senate. The confirmation process is necessary to ensure that nominees are evaluated for their qualifications, credibility, integrity and suitability for the judicial office, thereby making the appointment process more transparent. Similarly, at the state level, the State Houses of Assembly are involved in the confirmation of judicial appointments of State Heads of Court⁶⁵ such as the Chief Judge of the States, who are appointed by the Governors.⁶⁶

The legislative arm of government also has a role in the removal of judicial officers. The National Judicial Council recommends the removal of judicial officers based on certain grounds, while the legislative body has the authority to confirm such recommendations. This confirmation process usually requires a two-thirds majority vote in the Senate or State House of Assembly.²⁷

⁶²*Constitution of the Federal Republic of Nigeria 1999*, S 4(1)

⁶³*Ibid.*, S 4(6)

⁶⁴*Constitution of the Federal Republic of Nigeria*, ss. 231(1), (2); 238(1); 250(1); 254; 256(1); 261(1); and 266(1).

⁶⁵ Sections 276(1) and 281(1) 1999 Constitution.

⁶⁶*Ibid.*, S 271(1)

5.0 Challenges in the Appointment and Removal of Judicial Officers in Nigeria

The procedures for the appointment and removal of judicial officers in Nigeria are essential to the preservation of judicial independence, integrity and credibility. However, these processes are fraught with several challenges which undermine the efficiency of the judiciary and discourage public confidence in it. This section will explore some major challenges faced in these processes.

5.1 Political Interference

Political interference is one of the most pervasive challenges in the appointment and removal of judicial officers in Nigeria. The judiciary is expected to administer its powers independently, free from external influence from the executive and legislative branches. However, the reality in Nigeria is that all the above these interferences are the order of the day. Political leaders in these arms of government often influence the appointment and removal processes, which undermines the independence of the judiciary.

The appointment of judicial officers has become a thing of loyalty. The executive arm, particularly the President and Governors, plays a pivotal role in the selection and confirmation of judicial appointments. While the executive cannot appoint a person who was not recommended by the NJC, they can exploit the weaknesses in the enabling law to thwart the appointment of a person who, though recommended, is not their preference.⁶⁷ This was the case in Rivers State, when Governor Rotimi Amaechi refused to appoint Honorable Justice D. Okocha as Chief Judge of Rivers State. This is one of the many ways political interference creeps into the appointment process of judicial officers. The executive also play a role in the removal of judicial officers. So it is not surprising that they have the opportunity to influence the removal process as well. The power of the executive to remove judicial officers in Nigeria has been constantly abused in Nigeria. An attempt was made to remove the Chief Judge of Kwara State by the Governor, as enunciated in the case of *Elelu- Habeeb v. A.G Federation*. In 2019, Justice Walter Onnoghen, the Chief Justice of Nigeria, was purportedly suspended and eventually removed by the then President Buhari-led executive in flagrant violation of the procedure stipulated by the extant Nigerian Constitution;⁶⁸ his lordship was removed pursuant to a purported *ex parte* Order issued by the Code of Conduct Bureau.⁶⁹ Recently, the Chief Judge of Benue State, Nigeria was removed in a manner and circumstance that are largely believed to point towards political undertone and interference.⁷⁰ Also, the Governor of Imo State, Nigeria - Senator Hope Uzodimma refused lately to appoint the next most senior Judge of the Imo State High Court as the Acting Chief Judge but instead, he appointed one Hon. Justice Theophilus Nzeukwu as the Acting Chief Judge of Imo State contrary to the provisions of Section 271(4) of the Constitution of the Federal Republic of Nigeria, 1999. Despite, the resolution of the NJC directing the Governor to reverse the unconstitutional appointment of Acting Chief Judge, the Governor is yet to do the reversal.⁷¹ It is also a

⁶⁷ I Gwunireama, 'The Executive and Independence of the Judiciary in Nigeria' *Pinisi Journal of Art, Humanity and Social Studies* [2022] 2(1) 57-66 <<https://ojs.unm.ac.id/PJAHSS/article/download/32250/15108>> accessed on 11 May 2025.

⁶⁸ *The Constitution of the Federal Republic of Nigeria, 1999*, s. 292.

⁶⁹ Legalnaija, 'The Onnoghen Asset Declaration Dispute: A Dispassionate Look at Nigerian Bar Association, its Traducers and the Verdict of History' <<https://legalnaija.com/the-onnoghen-asset-declaration-dispute/>> accessed on 13 May 2025.

⁷⁰ AAerfa, 'Legal Opinion on the Removal of Justice Maurice Ikpambese as Benue CJ', *Vanguard Newspaper* (2025) <<https://www.vanguardngr.com/2025/03/legal-opinion-on-the-removal-of-justice-maurice-ikpambese-as-benue-cj/>> accessed on 12 May 2025.

⁷¹ D Musa, 'NJC orders Uzodimma to reverse Imo Acting CJ's appointment', *Punch Newspaper* (2025) <<https://punchng.com/breaking-njc-orders-uzodimma-to-reverse-imo-acting-cjs-appointment/>> accessed on 11

disturbing fact that there are many instances in Nigeria where judicial officers have connections or relationships with politicians. These connections can range from family ties to prior political affiliations or even overlapping social circles. It will not be incongruous to presume that the existence of such connections and/or relationships raises questions about potential biases or influences on judicial appointments and decisions.

Political interference in the processes of appointment and removal of judicial officers undermines the principle of judicial independence, which is of great importance for the effective administration of judicial powers. It makes the judiciary unable to check the actions of the other branches of government, which weakens the overall system of checks and balances fundamental to democratic governance.

5.2 Corruption

This is another serious problem in the process of appointment and removal of judicial officers in Nigeria. It compromises the integrity, transparency and credibility of the judiciary. Corruption occurs through bribery, favouritism, nepotism and other unethical conduct which undermine the principles of merit and fairness.

Candidates for appointment into judicial offices may secure such appointment through illicit means. They may bribe vital people who are in charge of appointment, such as members of the National Judicial Council, manipulate selection processes and leverage political connections. This is known as lobbying for judicial appointments, which is a serious issue, and is discouraged by the NJC Procedural Guidelines 2014 which provides that “canvassing or lobbying for appointment directly or indirectly in any form and through persons such as but not limited to, politicians, traditional rulers, public officers or other judicial officers” will constitute a ground for the disqualification of a candidate.⁷² A former Chief Justice of Nigeria, Honorable Justice Aloma Mukhtar, termed lobbying for judicial appointment as a rising culture that weakens or devalues the Nigerian judiciary because it helps in the recruitment of incompetent personnel.⁷³

The legislative and executive branch may appoint people based on personal relationships with them. Also, members of the advisory and recommendatory bodies for appointment of judicial officers typically recommend appointment based on familiarity and favouritism. A major example of this is the case of the current Chief Justice of Nigeria, Justice Ariwoola, who used his position as the Chairman of the NJC to approve the appointment of his son, Olukayode Ariwoola Jr, as a Justice of the Federal High Court. In that same year and as the Chairman of the FJSC, he also nominated his daughter-in-law, Ariwoola Oluwakemi Victoria, as a judge of the FCT High Court, Abuja. He also promoted his younger brother, Adebayo Lateef Ariwoola, to the position of Deputy Director, Audit, of the NJC; and in the same year, the CJN proceeded to approve the promotion of his nephew, Lateef Adebayo Ganiyu, to the Court of Appeal.⁷⁴

Some dishonest judicial officers may also collect bribe from clients, who could be members

May 2025.

⁷² National Judicial Council Revised Guidelines, Rule 4(4) (ii) (a)

⁷³ A Adesomoju, 'Falana slams NBA, says Shielding of Corrupt Judges Embarrassing' (Punch, 9 October 2019) <<https://punchng.com/falana-condemns-nbas-demand-for-unconditional-release-of-arrested-judges/>> accessed 14 April 2025.

⁷⁴ Citizen's Gavel, 'Nepotism in the Nigerian Judiciary: Patterns and Trends' (2024) <<https://open-justice.gavel.ng/assets/publication/PATTERNS%20OF%20JUDICIAL%20APPOINTMENTS%20IN%20NIGERIA%20-%20V3.pdf>> accessed on 8 May 2025.

of the executive, to favour them during court proceedings. This makes these judicial officers to dance to the tunes of the members of the executive arm. Another issue which breeds corruption in the appointment process is the duplication of membership in the recommendation bodies. Some members of the recommendation bodies serve in more than one recommendation body. There are certain judicial officers who work in both the National Judicial Council and Federal Judicial Service Commission, for example. This repetition has a tremendous impact on the transparency of the appointment process of judicial officers in Nigeria.⁷⁵ A judicial officer who serves in two advisory and recommendatory bodies simultaneously, gives such a person undue advantage to cast two votes over one issue.⁷⁶ All these cases compromise the integrity of the process. It leads to the appointment of people who are only loyal to the people who helped them secure the positions they occupy.

The removal process of judicial officers also suffers from corruption. Corrupt political persons in the executive or legislative branch of government, who seek to illegally remove judicial officers may engage in corrupt practices to achieve their goals. They may bribe members of the NJC or other relevant bodies to wrongly recommend the removal of a judicial officer. A judicial officer could give verdict against the executive, and have his security of office threatened. The executive abuse their powers occasionally, and this is seen in many cases in Nigeria.

5.3 Procedural Inefficiencies

There exist procedural inefficiencies in the appointment and removal process of judicial officers in Nigeria. They include red-tapism and bureaucracy, lack of clear guidelines, and insufficient resources, which weaken the judiciary. Procedural inefficiencies often lengthen the appointment process unnecessarily, vacancies may remain unfilled for long periods of time due to the process being long and lacking transparency. The process is long because of the several bodies involved which must all give their approval. There are also procedural inefficiencies in the removal process, involving multiple stages of investigation, review, hearings and approval, which could all be delayed due to lack of unclear guidelines and bureaucracy.

6.0 Comparative Analysis of Judicial Appointments and Removal Processes in the USA, India, UK, Netherlands, and France

A comparative analysis of the judicial appointment and removal processes across different selected jurisdictions is important, as it provides valuable insight into the best practices, challenges and potential reforms which could be applied to the Nigerian judiciary. It will be possible to enhance the principles of transparency, accountability and independence in our judiciary by examining how other countries judicial systems operate.

6.1 Appointment Processes of Judicial Officers

In the United States, federal judges which include Supreme Court Justices, Court of Appeal Judges, District Court Judges and other Senior Judges, are appointed by the President and such appointment must be confirmed by the U.S Senate. This process is governed by *Article III of the American Constitution*^{*2}. The appointment process involves a thorough selection by the Senate Judiciary Committee, which holds public hearings where nominees are questioned about their qualifications. These public hearings ensure a high level of transparency and

⁷⁵MA Aliyu *et al*, "An Appraisal of the Constitutional and Regulatory Mechanisms for the Appointment of Judicial Officers in Nigeria and Associated Challenges" [2018](9) *UUM Journal of Legal Studies* 91-114 <<https://e-journal.uum.edu.my/index.php/uumjls/article/view/uumjls.9.2018.9106>> accessed 14 April 2025.

⁷⁶*Ibid.*, p. 111

accountability.

Judicial appointments in the United Kingdom are conducted by the Judicial Appointments Commission (JAC), an independent body which selects candidates based on merit and qualifications.⁷⁷⁷⁸ The Commission recommends these candidates to the Lord Chancellor, who has a very limited power of veto. The Commission also has a specific statutory duty to “encourage diversity in the range of persons available for selection for appointments.” This principle widens the pool of candidates who are appointed on merit.

India works on three tiers of the judicial system: the Supreme Court, High Court and subordinate courts.⁷⁹ In India, the Chief Justice of India and a panel of senior judges recommend candidates for appointment into the higher courts to the President of India. This protects judicial independence by limiting executive influence. It has however, been criticized for lacking transparency because the selection process is done privately. In France, judges are appointed by a decree of the President of the Republic on the proposal of the High Council of the Judiciary.⁸⁰

6.2 Removal Processes of Judicial Officers

The American Constitution provides that the removal of judges is done through impeachment by the House of Representatives and conviction by the Senate.⁸¹ This process ensures that judges are removed based only on the most serious cases of misconduct or incapacity to perform judicial duties.

In the United Kingdom, judges can be removed by the Queen on the recommendation of the Lord Chancellor, who must first consult with the judiciary. However, this process has never been used. Impeachment was used at some point in the United Kingdom, but eventually came to an end. However, it continues to have relevance in countries like America and Paraguay.⁸²

In Nigeria, the grounds for removal include misconduct, corruption and breach of Code of Conduct. However in India, their Constitution allows the removal of a Supreme Court Judge only on grounds of ‘proved misbehaviour or incapacity.’⁸³ A committee is appointed, consisting of serving judges and distinguished jurists, to conduct investigation into judicial misconduct.⁸⁴ The removal of judges of the Supreme Court⁸⁵ or High Court⁸⁶ in India is done by an order of the President passed after an address by each House of Parliament, supported

⁷⁷Constitution of the United States of America.

⁷⁸Judicial Appointments Commission 'Judicial Appointments' *Courts and Tribunals Judiciary* (2024) <<https://www.judiciary.uk/about-the-judiciary/our-justice-system/jud-acc-ind/jud-appts/>> accessed on 14 April 2025.

⁷⁹ T Kavuri, 'Introduction to the Indian Judicial System' *Animal Legal and Historical Center* (2020) <<https://www.animallaw.info/article/introduction-indian-judicial-system#:~:text=The%20Indian%20judicial%20system%20follows,district%2C%20municipal%20and%20village%20levels.>> accessed on 16 April 2025.

⁸⁰Cour de Cassation 'Role of the Court of Cassation' <<https://www.courdecassation.fr/en/about-court>> accessed 14 April 2025.

⁸¹Constitution of the United States of America, Article III.

⁸²E Bulmer, 'Judicial Tenure, Removal, Immunity and Accountability' *IDEA* (2014) <<https://www.idea.int/sites/default/files/publications/judicial-tenure-removal-immunity-and-accountability-primer.pdf>> accessed 14 April 2025.

⁸³Constitution of India, Article 124.4

⁸⁴Judges Inquiry Act of India 1968.

⁸⁵Constitution of India, Article 124.

⁸⁶*Ibid.*, Article 218.

by a majority vote in both Houses. Another country that also removes judicial officers through a parliamentary process is Australia.⁸⁷

The Constitution of The Netherlands (2008) states that “members of the Judiciary shall be appointed for life. Such person shall cease to hold office on resignation or on attaining an age to be determined by an Act of Parliament. Such persons may be suspended or dismissed by a court that is part of the judiciary and designed by said Act of Parliament.”

French judges are guaranteed irrevocability from office, but judges can still be removed as a result of sanctions imposed in disciplinary proceedings.⁸⁸ Removal of judicial officers in

France is primarily overseen by the Conseil Supérieur de la Magistrature (CSM). Disciplinary procedures are initiated by the Minister of Justice or other authorities, followed by an investigation and hearing by the CSM. The CSM makes the final decision for removal, which can be appealed by the Conseil d'état.

7.0 Conclusion and Recommendations

The appointment and removal of judicial officers is very important in Nigeria, as it has a significant impact on the independence, credibility and integrity of the judiciary. Appointing wrong people into judicial posts, and wrongfully removing them from such judicial posts, spell doom for the people who come to courts to resolve their disputes, and consequently affect the society at large. Litigants in Nigeria regularly express frustration over prolonged waiting time to continue their cases whenever there is a change of a presiding officer, due to the long-time of replacement. Thus, the saying that “Justice delayed is justice denied” becomes rife, and the judiciary, therefore, would no longer effectively be the “last hope of the common man”. When this confidence in the judiciary is eroded, there would be an escalation of crime and anarchy. This study has examined these processes, highlighting the key appointment and removal procedures, the challenges within these procedures, and potential areas for reform.

This research concludes that despite the fact that Nigeria has established comprehensive frameworks for the appointment and removal of judicial officers, including the roles of the various advisory bodies such as the National Judicial Council (NJC), Federal Judicial Service Commission (FJSC), State Judicial Service Commission (SJSC), and the Judicial Service Committee of the FCT, Abuja; problems still abound. The problems are political interference, corruption, and procedural inefficiencies, which greatly impact judicial independence and accountability. Consequently, public confidence in the judiciary is eroded.

This research also tackles some comparisons of the appointment and removal processes in Nigeria with that of other jurisdictions like the United States of America, United Kingdom, India and France. These comparisons reveal that there are valuable aspects of their processes that are needed in Nigeria. Their processes generally emphasize transparency, merit-based appointments, judicial independence and accountability, which can greatly help the Nigerian judiciary.

⁸⁷E Bulmer, 'Judicial Tenure, Removal, Immunity and Accountability' *IDEA* (2014) <<https://www.idea.int/sites/default/files/publications/judicial-tenure-removal-immunity-and-accountability-primer.pdf>> accessed 14 April 2025.

⁸⁸The Removal of Judges in France' *Institute of State and Law* [2015]154(9)750-775 <<https://www.ilaw.cas.cz/en/journals-and-books/journals/journal-pravnik/archives/2015/2015-9.html?a=3027>> accessed 16 April 2025.

In conclusion, addressing the challenges in these processes require serious scrutiny in order to adequately provide solutions. Reforms should focus on enhancing transparency, reducing bureaucracy in the appointment and removal procedures, and eradicating political interference to ensure that appointment and removal of judicial officers are conducted fairly. Essentially, the implementation of these changes could strengthen the Nigerian judicial system and reinforce public confidence.

In order to address the foregoing challenges in the procedures for appointment and removal of judicial officers in Nigeria, the researchers recommend as follows:

1. The appointment and removal processes of judicial officers in Nigeria should embody judicial independence. Interference by the executive arm should be reduced, and judges should be appointed based on merit and experience. The appointment processes should be transparent. The advisory bodies like the NJC, FJSC, etc. functions should be streamlined to eradicate political and executive influence.
2. The administrative procedures for removal of judicial officers should be simplified and/or harmonized to reduce delays while maintaining efficiency and integrity. There should be clear timelines for every stage of the process.
3. The financial autonomy of the Judiciary should be implemented forthwith thereby avoiding dependence on the executive for better working facilities.
4. The oversight functions of the legislature, NJC, FJSC, and other relevant bodies should be enhanced to ensure performance of judicial officers is effectively monitored.

From the comparative analysis of the appointment and removal processes of judicial officers in other jurisdictions it is further recommended that public hearings be held to examine the nominees on their qualifications and character. This will promote transparency, fairness and further make the appointees accountable to the society.