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Nigeria-Rule of Law Assistance Program

First Quarter FY 2005
(October – December 2004)

Peggy Ochandarena, Project Director
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NIGERIA RULE OF LAW PROJECT (PHASE II)
Quarterly Report No.10
Reporting period: October 1 through December 31, 2004
Cooperative Agreement #620-A-00-02-00113-00

A. PROGRESS SUMMARY

This report outlines the work conducted by the National Center for State Courts (NCSC) on the Nigeria Rule of Law Assistance Project, Phase II (NROLAP). The Project provides technical assistance and training to the High Courts of Lagos, Kaduna, and Rivers States and the Federal Capital Territory (FCT), in a Nigerian-led process to improve the judicial sector. Originally scheduled to close August 15, 2004, an extension was approved last quarter enabling the Project to continue through March 15, 2005.

In addition to engaging stakeholders and donor coordination, the Project has four general areas in which it is providing technical assistance: Budget Preparation; Court Performance; Judicial Ethics; and Public Access and Reporting. The Project builds on NCSC's activities under the Nigeria Rule of Law Assistance Project (Phase I) to assist leaders in the judiciary in developing consensus and identifying priorities for change. These tasks are accomplished through support to, and with participation from, four pilot courts, and an Advisory Committee with strategic planning working groups.

B. TASK SPECIFIC ACCOMPLISHMENTS DURING THE REPORTING PERIOD

The following highlights were accomplished during the fourth quarter of 2004:

- A "Public Access to Court Information Training" workshop was held on 29 November, 2004 in Abuja. The workshop was designed to encourage and develop the courts' ability to produce useful reports informing the public about court activities and reforms, and to provide innovative, low-cost methods for achieving and sustaining this objective. Training was conducted by the Hon. Justice O.A. Taiwo and Mrs. S.A. Ikulala-Allen former Director Library Services of the Lagos State High Court, who were both instrumental in the publication of the Lagos State Judiciary Annual Report 2002, the first annual report published by a Nigerian state court. Bob Wily, Chief of Party NCSC also served as a member of the faculty.
- An updated version of the Case Tracking Software (CTS) was developed and installed by NCSC staff in the High Courts of Rivers and Kaduna States and the FCT-Abuja.
- Training on the use of Electronic Court Recording equipment was conducted in Rivers State in November, 2004, for 26 Judges and 45 Registrars of the Rivers State High Court.
- Training on Citizens Court Monitoring was conducted in Kaduna for judges, court staff, and court monitors in early November, 2004. Court monitoring began shortly thereafter.
- NCSC staff continued to provide training to Lagos State judges and court staff on the use of the Court Automation Information System (CAIS) currently being installed and tested in the Lagos State High Court. The CAIS was developed by a project supported by the Department for International Development (DFID). The automated case tracking system (CTS) that was developed by NCSC was used early in the quarter to facilitate rapid entry of case data, and the data was thus collected was imported into CAIS before the end of the quarter.

- Advisory Committee sub-committees met on 30 November, and 1, 3, and 15 December, 2004, facilitated by NCSC. Each sub-committee prepared recommendations according to their mandate which are to be discussed at the next plenary session of the Advisory Committee and molded into a realistic action plan for execution by key stakeholders in the justice sector.
- Training on Judicial Ethics for Court Employees was presented in Port Harcourt on December 8 and 9, 2004, for staff of the High Court of Rivers State. The Hon. Justice J. H. C. Sankey of Plateau State, Chief Registrar Darius Khobo of Kaduna State, Mr. G. T. Aduda, an Executive Member of the Independent Corrupt Practices and other Related Offences Commission (ICPC), Mrs. P. M. Ayua, Director of Studies of the National Judicial Institute, and NCSC Principal Court Management Consultant Richard Van Duizend served as faculty.

1. Overall Project Development and Donor Coordination.

NCSC has continued to maintain a greater presence in the pilot courts, providing technical assistance and training with the aim of enhancing the courts' ability to sustain the reforms introduced through the Nigeria Rule of Law Assistance Project (NROLAP). Considerable attention has been given to the installation and implementation of an upgrade of the Case Tracking Software developed by NCSC staff for use in the pilot courts. Significant effort has also been expended in Rivers State, the newest pilot state, so as to provide as much technical assistance and training as possible to the Court before the conclusion of the NROLAP in March 2005.

▪ Work plan

The outline and schedule of activities for the extension period as developed by COP and NCSC home office staff, and approved by USAID, is being implemented. Renewed efforts are being made to ensure the sustainability of Project reforms, in line with the scope of work approved in the workplan.

▪ Project Staffing

Following the departure of Chief of Party (COP) Kelly Gavagan on 15 October, 2004, Mr. Bob Wily, formerly the Court Administration Technical Advisor (CATA), was approved as Chief of Party (COP). Mr. Wily has supervised and coordinated Project efforts with support from Project Director Peggy Ochandarena of NCSC. Principal Court Management Consultant, Richard Van Duizend, the former Executive Director of NCSC's International Programs Division, provided in-country support for four weeks during this quarter.

▪ Donor Coordination and Meetings with Stakeholders

As described below, NCSC continues to coordinate Project efforts with other donors (e.g., DFID), Nigerian institutions, and stakeholders, by participating in meetings and other Project coordination activities. Of particular note is the training being provided by the Project to support implementation of the DFID-supported court automation project in the Lagos State High Court, and the training offered in Rivers State to facilitate implementation of the USAID/UNODCCP supported Code of Conduct for Court Employees.

▪ Meetings with Project Courts and Stakeholders

On 5 October, 2004, former COP Kelly Gavagan and NCSC staff met with the Hon. Chief Judge of the Lagos High Court to discuss the progress made in inputting data using the CTS as well as other Project-related activities.

On 11 October, 2004, COP Kelly Gavagan, Project Director Peggy Ochandarena, Chief of Party; CATA Bob Wily, and Senior Program coordinator (SPC) Hadiza Saeed met with the Hon. Chief Justice of Nigeria to discuss developments in Project activities, personnel changes, and other Project-related issues.

On 11 October, 2004 COP Kelly Gavagan and Project staff met with the Chairman of the Advisory Committee, the Hon. Justice Babalakin JSC (rtd), to discuss the upcoming sub-committee meetings and the other Advisory Committee-related issues.

COP and staff met with Sergey Chapkey, Coordinator of the DFID Court Automation Project of the Lagos State High Court on 12 October, 2004, to discuss how best to achieve a synergy of training efforts.

On 13 and 14 October, 2004, Project Director Peggy Ochandarena and NCSC staff met at length with the Hon. Chief Judge Ade-Alabi, the Hon Justice Candide-Johnson, Kehinde Aina of the Lagos Multi-Door Courthouse (LMDC) and other key staff of the Lagos State High Court to discuss their acting as resource persons to assist the High Court of Rivers State in establishing a court-connected ADR program in Port Harcourt.

On 20 October, 2004, Project Director Peggy Ochandarena and NCSC staff met extensively with the Chief Judge and key officers of the Kaduna State High Court as well as senior managers of LEDAP to discuss the commencement of citizens' court monitoring in Kaduna State and other Project-related issues.

Project Director Peggy Ochandarena and SPC Hadiza Saeed met at length with the Director and key staff of the Abuja Multidoor Courthouse (AMDC) on 26 October, 2004, to discuss strategies for encouraging the use of the ADR center by members of the Bar and public.

On 29 October, 2004, COP Bob Wily and SPC Hadiza Saeed met with the Administrator and key staff of the National Judicial Institute (NJI) to discuss developments in Project activities and the handoff of Project materials to the Institute, as suggested by the Chief Justice of Nigeria (CJN).

COP Bob Wily and NCSC staff met with the Chief Judge of the Lagos State Judiciary and Chino Obiagwu of LEDAP on 25 November, 2004, to discuss expanding citizens court monitoring and other Project-related issues

On 30 November, 2004, COP Bob Wily and SPC Hadiza Saeed attended USAID's Implementing Partners meeting in which Ambassador John Campbell participated.

COP Bob Wily and NCSC staff met with members of the Advisory Committee sub-committee on Budget on 1 December, 2004.

On 3 December, 2004 NCSC staff met with members of the Advisory Committee sub-committee on NROLAP Modalities and Sustainability.

Principal Court Management Consultant Richard Van Duizend met with members of the Advisory Committee sub-committee on Prison Decongestion on 15 December, 2004.

- *Meetings with USAID*

The Project COP and other NCSC staff met with Mr. Charles Cutshall, Cognizant Technical Officer at USAID, on at least a weekly basis during the quarter to discuss progress, challenges, and plans. Meetings were also held with Ms. Minnie Wright and other Democracy and Governance staff of USAID to discuss Project activities in Rivers State and other Project-related issues.

2. Advisory Committee Activities

The Subcommittees on Budget, Prison Decongestion, and NROLAP Modalities and Sustainability met in November and December, 2004 facilitated by NCSC staff. Each subcommittee prepared recommendations according to their mandate which are to be discussed at the January 2005 session of the Advisory Committee. The Advisory Committee will compile the approved recommendations into a realistic blueprint or action plan that will be presented to the Hon. Chief Justice of Nigeria for review and subsequent referral for implementation by respective stakeholders in the justice sector.

3. Data Collection

NCSC staff has continued to maintain a significant presence in the courts to ensure a smooth transition to and integration of the automated Case Tracking System (CTS), developed by NCSC staff, into the process currently being used. Updates of the CTS were installed and training provided on the latest changes in the FCT, and Kaduna and Rivers States.

4. Substantive Project Tasks

- *Court Performance*

FCT (Abuja)

Alternative Dispute Resolution (ADR) remains a key objective of the FCT High Court. The Court has requested assistance to publicize the advantages of the ADR process and staff, members of the Bar, and public on the efficacy of ADR. Although no commitment was made, NCSC agreed to provide as much assistance as possible.

NCSC staff met frequently with the Hon. Chief Judge Gummi, the Hon. Justice Bello, the Chief Registrar Aisha Bage, and other key staff of the court and Abuja Multi-Door Center.

The Rules of Civil Procedure were enacted officially and included the provisions recommended by NCSC, on requiring certification by counsel that the case is not frivolous, on ADR, and on e-mail service.

Kaduna State

Under the leadership of the Hon. Chief Judge Cudjoe, the Kaduna State High Court continues to actively participate and implement programs aimed at improving the functioning of the Court. NCSC staff met frequently with the Hon. Chief Judge, the Chief Registrar, and other key staff during the quarter.

Although funding continues to remain an issue, the Court has sustained a high level of interest in establishing a court-annexed ADR facility and has taken positive steps towards realizing this

objective. Even though no response has been received from the World Bank, concerted efforts have been made to utilize the funds available and it is anticipated that funding from the State government may be made available in the next fiscal year.

The new Rules of Civil Procedure have been successfully passed into law. The new rules include provisions that accommodate the new technologies and case management concepts introduced by NCSC such as the use of Electronic Court Recording during proceedings and restrictions on adjournments.

Citizen court monitoring commenced in Kaduna under the sub-grant agreement with LEDAP a local NGO/CSO. At the insistence of the Chief Judge, Phase II of the court monitoring program will be conducted randomly among the courtrooms without the sitting judge being notified of the monitors' presence. This is a marked departure from Phase I and demonstrates the increased level of trust in the between the public and judiciary.

Lagos State

Under the leadership of the Hon. Chief Judge Ade-Alabi, the Court Automation and Information System networking project is being undertaken by DFID. DFID requested NCSC to assist in training the court staff on implementing and operating the new system, which NCSC has provided to the extent resources permit. It is anticipated that when the ECR equipment for all the High Courts of Lagos State arrives, NCSC will provide training to court staff on the use of ECR which the Court will facilitate.

Citizen court monitoring is entering a second phase in the Lagos State Judiciary. Chief Judge Ade-Alabi has approved random monitoring in the court, whereby any and all judges may be selected for monitoring without prior notice.

NCSC staff met regularly with the Hon. Chief Judge Ade-Alabi, the Hon. Justice Candide-Johnson, the Hon. Justice Ayo, and other key staff of the Court.

Rivers State

With the leadership and support of the Hon. Chief Judge Ndu and the Chief Registrar, pilot court activities proceeded quickly in Rivers State, the newest pilot court. NCSC staff have met frequently with the Hon. Chief Judge, the Chief Registrar, and key Court staff.

NCSC staff installed the most recent version of the Case Tracking Software (CTS), and trained the judges and relevant staff on the operation of the system and use of the information that can be obtained from it. Follow-up technical assistance is being provided.

NCSC has ordered Electronic Court Recording equipment (ECR) for two courtrooms and is awaiting delivery. The Court on its own initiative purchased enough additional ECR units to equip the remaining courtrooms, thus providing a substantial cost-share to the Project. In November, NCSC staff conducted a series of training workshops on the use of ECR. A total of 26 High Court judges and 45 registrars participated in this training. Follow-up technical assistance is being provided.

On 8-9 December, 2004, NCSC conducted a workshop on Ethics for Court Employees. The workshop was delayed by one day because of a strike by court employees in Port Harcourt. Nevertheless, attendance was excellent (between 70 and 80 members of the Court's staff each day), discussions spirited, and questions focused on practical problems confronted by employees

in the course of their duties. Breakout group discussions yielded a set of action plans for assuring implementation and adherence to the Code of Conduct for Court Employees. The Hon. Justice J. H. C. Sankey of Plateau State, Chief Registrar Darius Khobo of Kaduna State, Mr. G. T. Aduda, an Executive Member of the Independent Corrupt Practices and other Related Offences Commission (ICPC), Mrs. P. M. Ayua, Director of Studies of the National Judicial Institute, and NCSC Principal Court Management Consultant Richard Van Duizend served as faculty.

- Budget Preparation

There was no activity on this task this quarter.

- Three Branch meetings

There was no activity on this task this quarter.

- Judicial Ethics

See entry regarding Rivers State.

- Small Grants

Random court monitoring by volunteers recruited and supervised by LEDAP has commenced in Kaduna State and has continued this quarter in Lagos State. Unfortunately, due to financial constraints, monitoring will not be able to be conducted in Rivers State and the FCT for the duration of the Project.

- Public Access and Reporting

A highly successful “Public Access to Court Information Training Workshop” was conducted on 29 November, 2004 in Abuja. Although training was primarily focused on the publication of annual reports, participants from the pilot courts, key stakeholders, and donor organizations were also exposed to other means of providing useful information to the public about court performance, reforms, and programs. The Chief Judge of the Lagos High Court gave NCSC a number of copies of the 2003 Lagos Judicial Annual Report (the Court’s second annual report) to distribute to all participants at the workshop. It is anticipated that that this will further encourage the other pilot courts to publish similar reports. Training was conducted the Hon. Justice O.A. Taiwo and Mrs. S.A. Ikulala-Allen former Director Library Services of the Lagos State High Court, both of whom were instrumental in the publication of the Lagos State Judiciary Annual Report 2002, and NCSC COP Bob Wily.

NCSC is preparing a Project newsletter. Brief articles will contain highlights NROLAP efforts and accomplishments and contains contact information for the pilot courts to enable interested non-pilot courts to benefit from the experience and training the pilot courts have received.

The court monitoring activities taking place under the Small Grants project task, .

C. DIFFICULTIES ENCOUNTERED AND ACTIONS TAKEN TO RESOLVE THEM

The greatest challenge to the project during the 4th quarter of 2004 came from a delay in approval a requested no-cost extension until several weeks after the original completion date of August 15th. This delay was occasioned by the need to seek and receive approval from USAID for

changes in staffing. At any rate, project staff was not able to incur expenses or plan activities that would involve obligation of project funds between August 16, 2004 and September 16, 2004. Nevertheless, such planning and preparation as were possible under the circumstances resulted in little overall disruption to project activities once the extension was approved by USAID.

Labor unrest also affected the project during the quarter. Announcement of a general labor strike required the rescheduling of a major workshop (on Public Access to Court Information) from October 16th to December 5th. Two nationwide strikes of court employees required rescheduling of two planned programs in Rivers State. Those programs affected were electronic court recording for judges and ethics training for court employees. However, all planned programs were successfully conducted during the quarter.