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AN ANALYSIS OF THE IMPACT OF CONFLICTING JUDGMENTS ON THE NIGERIAN JUDICIARY: CHALLENGES AND PROPOSED SOLUTIONS

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ABSTRACT

The Nigerian judiciary plays a crucial role in protecting the rights of the citizens and upholding the rule of law. However, conflicting judgments have plagued the judiciary for decades, causing significant challenges and controversies. This paper analyses the impact of conflicting judgments on the Nigerian judiciary, including its adverse effects on the rule of law and the implications for the country's legal system. Additionally, the paper examines the challenges facing the Nigerian judiciary in addressing conflicting judgments and proposes solutions to mitigate this issue. The proposed solutions include strengthening the institutional capacity of the

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Nigerian judiciary, developing clear and consistent legal standards and procedures, encouraging collaboration and information sharing among judges, addressing political interference and pressure, and strengthening judicial education and training. Ultimately, this paper argues that addressing the issue of conflicting judgments is critical to ensuring the Nigerian judiciary's effectiveness and the rule of law in Nigeria. The research methodology applied in this paper is the doctrinal research methodology. The methodology would use primary and secondary data sources, including court judgments, legal documents, scholarly articles, and reports.

INTRODUCTION

The Nigerian judiciary is one of the critical institutions of government charged with upholding the rule of law, ensuring justice, and protecting the rights of citizens. The Judiciary's independence and impartiality are vital to maintaining the public trust and confidence in the legal system. However, conflicting judgments have become a pervasive problem in the Nigerian judiciary, causing significant challenges and controversies. Conflicting judgments occur when different divisions of the courts or judicial bodies issue contradictory rulings on the same legal issue. This issue has been prevalent in Nigeria for decades, leading to confusion, uncertainty, and distrust in the legal system. [1]

The Nigerian judiciary is an integral part of the country's democratic system and plays a vital role in ensuring that the rule of law is upheld. The judiciary is responsible for interpreting and enforcing the laws of the land and adjudicating disputes between individuals, organizations and the government. As such, the judiciary must be independent and impartial in its operations to uphold justice, protect citizens' rights, and promote the rule of law.[2]

However, the issue of conflicting judgments in the Nigerian judiciary has undermined public trust in the legal system, leading to a loss of confidence in the judiciary. Conflicting judgments undermine the rule of law and create a perception of bias and partiality, leading to a loss of confidence

[1]Ezejiofor, Gaius. "*Stare Decisis* in the Nigerian Courts." Nigerian LJ 6 (1972): 47

[2]Anyebe, Peter Ademu. "Doctrine of *Stares Decisis* in Nigeria: A Step to Conclusion." JL Pol'y& Globalization 92 (2019): 21.

in the judiciary.[3] This paper analyses the impact of conflicting judgments on the Nigerian judiciary, including its adverse effects on the rule of law and the implications for the country's legal system. Additionally, it examines the challenges facing the Nigerian judiciary in addressing conflicting judgments and proposes solutions to mitigate this issue.

The paper explores the concept of conflicting judgments and their impact on the Nigerian judiciary. It equally discusses the adverse effects of conflicting judgments on the rule of law, including undermining public trust in the judiciary, increasing legal uncertainty, and encouraging forum shopping.

Furthermore, the paper examines the Nigerian judiciary's challenges in addressing conflicting judgments which include inadequate institutional capacity, poor legal standards and procedures, political interference, and inadequate judicial education and training. The paper concludes by proposing solutions to mitigate the issue of conflicting judgments in the Nigerian judiciary.

The proposed solutions include strengthening the institutional capacity of the Nigerian judiciary, developing clear and consistent legal standards and procedures, encouraging collaboration and information sharing among judges, addressing political interference and pressure, and strengthening judicial education and training. These solutions aim to promote the rule of law, increase public trust in the judiciary, and improve the Nigerian legal system's overall efficiency and effectiveness.

2. ANALYSIS OF THE CAUSES AND IMPACT OF CONFLICTING JUDGMENTS ON THE NIGERIAN JUDICIARY

The principle of rule of law is the cornerstone of every democratic society, ensuring that everyone, regardless of his/her social status, wealth, or position, is subject to the law. Upholding justice, protecting citizens' rights, and promoting a fair and efficient legal system are all essential components of the rule of law.[4]

Conflict refers to a situation where opposing ideas, opinions, feelings, or wishes exist, and it can be challenging to choose between alternatives. Disagreements on negotiation, structures or methods of claims

[3]ibid

[4]Essien, Enefiok. "Conflicting *Rationes Decidendi*: The Dilemma of the Lower Courts in Nigeria." Afr. J. Int'l & Comp. L. 12 (2000): 23.

can create mistrust, debates, arguments, or controversies about a group's goods, claims, and counter-claims, leading to conflicts.[5]Onigu Otite supports this view, suggesting that conflicts arise from individuals or groups pursuing divergent interests, goals, and aspirations in defined social and physical environments. Thus, a conflict arises when conflicting interests between two or more parties lead to a struggle between them.[6]

A judgment is a mental act that either affirms or denies the agreement of two objective ideas or the process of affirming or denying the subject of a predicate or an attribute.[7] According to the *Black's Law Dictionary*, a judgment is the final determination of the rights and obligations of parties in a case made by a court.[8] A legal judgment is a decision made by an authority to which an issue has been submitted for determination, such as a law court, over an issue raised by litigants. Inconsistency or incompatibility of final decisions/opinions of courts of coordinate jurisdictions on the same or similar facts in dispute is referred to as conflicting judgment.[9]

A conflict of judgments within the legal system can result in disputes among legal practitioners. In a dispute, individuals or groups disagree, and one or more parties use recognized public procedures to achieve their ends.[10]It can result in debates, arguments, or quarrels over the interpretation of a situation and contested positions and issues. Disputants may have various views on the facts of a situation and disagreements on how to manage or handle an issue. They make claims and counterclaims,

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[5] Francis O.C. Njoku, *Philosophy, Communication, Conflict Resolution and Peace*, Enugu: Claretian Publications, 2014, 106

[6]Onigu Otite, "*On Conflicts, Their Resolution, Transformation, and Management*" in *Community Conflicts in Nigeria: Management, Resolution and Transformation* edited by Onigu Otite and Isaac Olawale Albert, Ibadan: Spectrum Books Limited, 1999, 1

[7] Irving M. Copi and Carl, C. *Introduction to Logic*. New York: Macmillan Publishing Company, 1990, 12

[8] Bryan A. Garner, (ed). *Black's Law Dictionary*, (9th edition) Thomson Reuters Publishing Company, 2019

[9] Irving M. Copi and Carl, C. *Introduction to Logic*. New York: Macmillan Publishing Company, 1990, 12

[10]Nader and Todd in Marie Pauline Eboh, *The Structure of Igbo Logic as shown in Dispute Settlement*, Port Harcourt, Paragraphs, 1983: 162

challenging each other's views and undertaking in various negotiations to find remedy for the issue in dispute. [11]

Conflicting judgments have been a pervasive issue in Nigeria for decades, causing significant challenges and controversies in the country's legal system. The roots of this problem can be traced back to the colonial era when Nigeria's legal system was based on English common law. The doctrine of precedent was enshrined in the Nigerian legal system, which holds that the decisions of higher courts on similar cases bind lower courts.[12]

The Nigerian transition to democracy in 1999 brought about significant changes to the country's legal system, aimed at creating a more independent and impartial judiciary, free from political interference. The creation of the Court of Appeal was one of the significant changes, intended to establish a clear hierarchy of courts and reduce conflicting judgments. However, despite these reforms, conflicting judgments have continued to be a major challenge to the Nigerian judiciary.[13]

The lack of clarity in the legal framework is one of the leading causes of conflicting judgments in Nigeria. The complexity of the Nigerian legal system can lead to confusion and uncertainty, making it challenging for judges to interpret and apply the law consistently. Inadequate training for judges is another significant cause of conflicting judgments. The Nigerian judiciary is also facing a severe shortage of trained judges, and many existing judges need more training in areas such as legal research and judgment drafting.[14]

There is also the issue of political interference. This is another major cause of conflicting judgments in Nigeria, compromising the independence and impartiality of the Judiciary. This interference can lead to judges ruling in favour of a particular party or interest group, resulting in conflicting judgments. Judicial activism, referring to judges' tendency to interpret the law based on personal beliefs and values rather than established legal

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[11]Francis O. C. Njoku, *Philosophy, Communication, Conflict Resolution and Peace.* Enugu: Claretian Publications, 2014, 106-107

[12]Ezejiofor, Gaius. "Stare Decisis in the Nigerian Courts." Nigerian LJ 6 (1972): 47

[13]Ibid

[14]Oyewole, O. Conflicting Judgments in Nigeria: A Critical Appraisal of the Legal Framework. Journal of African Law, (2019) 63(2), 245–261.

principles, is also a cause of conflicting judgments. Judges may differ in interpretations of the law, leading to conflicting judgments.[15]

Conflicting judgments have imparted badly on the judiciary, creating a perception of bias that can be interpreted as evidence of judicial incompetence or corruption. Conflicting judgments can also adversely affect the rule of law by causing confusion and uncertainty about legal standards and procedures. This situation arises when different courts interpret the law differently or reach different conclusions on similar issues. The lack of consistency in the legal system created by conflicting judgments undermines public trust and confidence in the judiciary, which is essential in upholding justice and protecting citizens' rights.[16]

When the legal system is inconsistent, citizens cannot rely on it to protect their rights and interests. This uncertainty can lead to arbitrary decisions, violations of citizens' rights, and conflicts. Moreover, conflicting judgments create legal precedents that can lead to contradictory decisions and judgments in the future. This situation makes it difficult to determine the law and can result in judicial overreach, arbitrariness, and abuse of power.[17]

Inconsistencies within the legal system can lead to a perception of bias and partiality in the judiciary, damaging its reputation and undermining public trust and confidence in the legal system. This loss of trust can lead to citizens taking the law into their own hands and may erode democratic processes and institutions. The rule of law is a fundamental principle of democratic societies, and when it is compromised, it can result in political instability, social unrest, and conflicts.[18]

In the Nigerian legal system, conflicting court judgments, particularly in election petitions, have become cause of concern to many. The late Chief Justice of Nigeria, Honourable Justice Dahiru Mustapher, had once

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[15]Dike, K. I. The Nigerian Judiciary and the problem of conflicting decisions: An appraisal. Journal of African Law, (2018) 62(3), 447

[16] Durotolu, O. 'The Controversy Within: Conflicting Judgments Of The Supreme Court Of Nigeria On Admissibility Of Unregistered Registerable Instrument' GPH-International Journal of Social Science and Humanities Research, (2020) 3(10), 15–52.

[17]Ibid

[18] Ignatius Ike Orisewezie, *David Hume's Theory of Causality and its Implications on Legal judgement:* Unpublished Project submitted to the Department of Philosophy, University of Nigeria, Nsukka, 1986, 52

lamented about conflicting Court Orders and decisions of Courts[19]. He stated that several judgments from the Court of Appeal and a few from the Supreme Court appear to have created some confusion amongst practitioners and the general public. The creation of several divisions of the Court of Appeal has compounded the problem of conflicting orders and decisions at the appellate courts. This unfortunate malaise has not only negated the principle of judicial precedent but occasioned considerable pain and untold hardship on litigants in their quest for justice. It has also generated adverse public perception of the judicature's capacity to guarantee unequivocal justice. The former Nigeria Bar Association president, Mr. Oluwarotimi Akeredolu, SAN, also lends a strong voice to the issue of conflicting decisions emanating from the appellate courts.[20]

Before delving into the appellate courts, the following are a few examples of conflicting judgments:

3. NOTABLE CASES OF CONFLICTING DECISIONS IN THE SUPERIOR COURTS OF RECORD IN NIGERIA

In the run-up to the 2019 Zamfara State Elections, there were conflicting judgments from both the Zamfara State High Court as well as the Federal High Court in Abuja on the eligibility of candidates of the All Progressives Congress (APC) to participate in the elections.[21] The APC had conducted primaries to select candidates for various positions, including the governorship and state assembly seats. However, the Zamfara State chapter of the APC was accused of violating the party's rules and conducting illegal primaries. Some aggrieved party members went to Court to challenge the primaries' validity and the candidates' eligibility.[22]

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[19] Justice DahiruMustapher, Chief Justice of Nigeria. Being his Opening Remark at the maiden edition of the ''National Monthly Law Reform Lecture. 8th June 2012. Lagos. Retrieved online from : https: allafrica.com. accessed on 12th, April 2023.

[20]OluwarotimiAkeredolu, Fayemi vs. Oni (2010) 17 NWLR (Pt 1222) 543 at 326 in E.Q. Okolie, *A Critical Review of Conflicting Judgments of Appellate Courts in Election Matters*, Knowledge Review (2012), Vol 24 No. 1, 1-9.

[21]Sanusi Liman, Dan Alhaji and 37 others VS APC and 143. Suit No. ZMS/GS/52/2018

[22] Sani Takur, Exclusive: INEC Blocks APC from Fielding Candidates in Zamfara for 2019 Elections., Premium Times. (2018). <https://www.premiumtimesng.com/news/headlines/289415-exclusive-inec-blocks-apc-from-fielding-candidates-in-zamfara-for-2019-elections.html> Accessed 1st April 2023

The High Court of Zamfara State[23], in a ruling delivered by Hon Justice Muhammad Shinkafi, declared that the APC did conduct a valid primaries and, therefore, its candidates were eligible to participate in the elections. The Court also ordered the Independent National Electoral Commission (INEC), who had hitherto maintained that there was no valid primaries, to accept the APC candidates and include their names on the ballot.[24] However, the Federal High Court in Abuja ruled otherwise.[25] The court decided that INEC acted within its powers by refusing to accept the list of candidates from the Zamfara State chapter of the APC.

The APC challenged the judgment at the Court of Appeal, which ruled in its favour. The Court of Appeal held that the lower court lacked the jurisdiction to hear the case and that the matter should have been taken to an election tribunal. The APC candidates were thus allowed to participate in the elections. Following the conflicting judgments, INEC initially refused to accept the APC candidates' names for the elections but later reversed its decision after the Court of Appeal ruling. The confusion and controversy surrounding the issue delayed the elections in Zamfara State. Eventually, the APC won the governorship and state assembly seats.[26] Note that on this particular matter, both the Abuja and Sokoto state divisions of the Court of Appeal had also delivered conflicting decisions.[27] The Court of Appeal Sokoto State division, had struck out the judgement of the Zamfara State High Court on the same facts in issue on grounds that the state High Court lacked jurisdiction to entertain the suit among others. The Court led by Honourable Justice Tom Yakubu voided the judgement of the Zamfara State High Court on the APC primary elections that produced the party's candidates for the governorship, national and state assembly elections. This decision is in open contradiction to the decision reached by the Court of Appeal, Abuja, delivered by Honourable Justice Abdu Aboki JCA, as he then was.[28]

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[23]Sanusi Liman opcit.

[24]ibid

[25] Suit No. FHC/ABJ/CS/12791/2018

[26] News, BBC. Nigeria election: Zamfara APC wins right to field candidates. (2019, 25th May) <https://www.bbc.com/news/world-africa-48399209>Accessed 1st April 2023

[27]Sesan O. 'Supreme Court Delivers Judgement on Zamfara APC dispute' The punch Newspaper (17TH May 2019) < https//www. Punchng.com. > accessed on 14th April 2023.

[28]Godwin Tsa. 'Zamfara APC :Supreme Court decides' Sunnews. (2019, 16th May) .<https://sunnewsonline.com. accessed 7th april 2023

Conflicting judgments on the validity of elections also marred the 2015 Rivers State Governorship Election. The leading contenders were the incumbent Governor, Nyesom Wike of the People's Democratic Party (PDP), and Dakuku Peterside of the All Progressives Congress (APC). Peterside challenged the election results at the Rivers State Election Petition Tribunal, alleging irregularities and fraud. [29]The tribunal, however, dismissed his petition and upheld the election of Wike. Not satisfied with the tribunal's judgment, Peterside went to the Court of Appeal to challenge the decision.[30] However, while the appeal was pending, another court, the Federal High Court in Abuja, nullified the election and ordered a rerun.[31] The Court held that the election was marred by violence and irregularities and that Wike was not validly elected. The conflicting judgments led to tension and confusion in Rivers State, with supporters of both parties staging protests and rallies.[32]

The case was eventually resolved by the Supreme Court, which upheld the decision of the Rivers State Election Petition Tribunal and affirmed the election of Wike as Governor.[33]

Conflicting judgments from different courts also marred the Kogi State Governorship Elections in 2016. The leading contenders were the incumbent governor, Yahaya Bello of the APC, and Musa Wada of the PDP. Wada challenged the election results at the Kogi State Election Petition Tribunal, alleging widespread irregularities and violence. However, while the petition was still pending, another court, the Federal High Court in Abuja, nullified the election and ordered a rerun. The Court held that the election was marred by violence, voter intimidation, and other irregularities.[34] Not satisfied with the judgment of the Federal High Court, Bello and the APC challenged the decision at the Court of Appeal, which

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[29]Onuoha, F. C. "Rivers PDP cautions APC against overheating polity". *Vanguard* (2015, 26th October).<https://www.vanguardngr.com/2015/10/rivers-pdp-cautions-apc-against-overheating-polity/> Accessed 2nd April 2023

[30]*Nyesom Wike v Dakuku Peterside*. CA/PH/198/2015

[31]*Wike Nyesom v Dakuku Peterside* . (2016) Vol. 66 NSCQR (PT.3) 1325

[32]ibid

[33] (SC. 1002/2015) (2016) NGSC 137 (12 February 2016)

[34]Halimah Y. 'Kogi Election: Supreme Court Dismisses Wada's Appeal. Premium Times. (2020, 24th August). <https://www.premiumtimesng.com/news/top-news/411723-breaking-kogi-election-supreme-court-dismisses-wadas-appeal.html > Accessed 23rd March, 2023

overturned the ruling and upheld the election of Bello as governor. [35]The conflicting judgments led to confusion and controversy, with the PDP and its supporters accusing the APC of manipulating the judiciary.[36]

The Court of Appeal witnessed several conflicting judgments arising from election-related matters, which created confusion for the Independent National Electoral Commission (INEC) and made a mockery of the Nigerian judicial system. Justice Mahmud Mohammed, the former Chief Justice of Nigeria, while addressing the justices of the Court of Appeal at their annual general conference, lamented that conflicting judgments have resulted in untold hardships to litigants in their quest for justice.[37]

The Court of Appeal has made different decisions on similar cases, leading to embarrassment for the legal profession. Several cases have illustrated this point, including those in Lagos, Osun, Ogun, and Ekiti states.[38]

In some instances, the Court of Appeal has deemed using a particular colour of pen for voter accreditation inconsequential, despite it being different from the one prescribed in the manual for the conduct of elections.[39] However, in the *Fayemi v Oni* (2010)[40] case, the Court nullified 63 out of 177 wards in Ekiti State governorship elections because red pens were used for accreditation instead of the blue ones stipulated in the manual. This ruling also shifted the burden of proof for non-accreditation from the petitioner to the respondent. Similarly, in the 2005 Ogun State Governorship Election Petition, the Court rejected Tunde Yadeke's analysis of electoral materials as he was deemed not an expert. However, in the *Aregbesola v Oyinlola* (2009) Osun State Governorship Election Petition, the Court of Appeal ruled that Tunde Yadeke was an expert, despite similar

[35]Captain Idris Ichalla Wada and ors VS Yahaya Bello and ors (2016) LCN/8971(CA). (4TH August 2016) CA/A/EPT/383/2016.

[36] Eze, C. KogiGuber: Conflicting court orders, lawyers' interpretations confuse voters. The Sun. (2019)<https://www.sunnewsonline.com/kogi-guber-conflicting-court-orders-lawyers-interpretations-confuse-voters/> Accessed 2nd March, 2023

[37]ZingtimGambo in Aderemi P.O. *The Role of a Judge in the Administration of Justice in Nigeria – Essays in Honour of Hon. Justice Mohammed LawalUwais, CON, GCON, the Chief Justice of Nigeria* (ed. Yakubu J. A.), Lagos, Malthouse Press, Limited, 2000, 80

[38]E. Q. Okolie, 'A Critical Review Of Conflicting Judgements Of Appellate Courts In Election Matters' Knowledge Review (2012), Vol 24 No. 1

[39]ibid

[40] 17 NWLR (Pt 1222) 543 at 326

circumstances. Interestingly, some members of the Court were also featured on both panels.[41]

Moreover, there are conflicting judgments on whether or not a witness statement on Oath must include the exact words used in the first schedule of the Oath Act. In the *Obumneke v Sylvester* (2010)[42] case, the Court held that failure to use the exact words or format prescribed by the Legislature in the first schedule of the Oath Act in concluding statements on Oath is fatal and renders the statements inadmissible. However, in the *Olarewaju Ibrahim Kunle v INEC* (2007)[43] case, the Court of Appeal held that non-compliance with the prescribed wording of an affidavit is not fatal to a petition as long as the clear intention of the Legislature under the Oath titled "Statutory Declaration" is fulfilled.[44]

It must be pointed out that courts of coordinate jurisdiction like the High Court and Federal High Courts are not bound to follow each other's decisions as they are mandated to follow decisions of the penultimate court and the apex court. So, conflicting decisions from the former courts are destabilizing until a proper party appeals against such decisions. For example, in September 2020, conflicting judgments of the courts was demonstrated in the case of Edo State Governor, Godwin Obaseki's participation in the People's Democratic Party (PDP) governorship primary elections.[45] Here, the case received two conflicting orders. While a Federal High Court in Port Harcourt barred him from taking part, an Edo State High Court, sitting in Ekpoma, cleared him for the exercise. The Order of the Federal High Court in Port Harcourt, no doubt, conflicted with that of Edo State High Court and hence generated divergent views in the polity. Conflicting judgments of the court are, with respect, very embarrassing and can indeed destroy the foundation of the rule of law, democracy and any decent society. It erodes the confidence of people in the judiciary especially when judgments end up in a very confusing manner.

Another example is the case of Ikpeazu and Ogah, 2016 Abia State. The Judge of the Federal High Court sitting in Abuja, had in his judgment,

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[41]E. Q. Okolie, 'A Critical Review Of Conflicting Judgements Of Appellate Courts In Election Matters' Knowledge Review (2012), Vol 24 No. 1

[42]All FWLR (Pt 506) 1.945 at 207

[43] Election Petition Report 50 at 66

[44]ibid

[45] Conflicting orders and decisions of courts on political matters. Mamman Mike Osuman. *The Guardian Newspaper*, Op. Cit.

ordered Ikpeazu to vacate his office, even as he directed INEC to immediately issue a fresh certificate of return to Ogah, who came second in the governorship primary election of the PDP.[46] Although INEC had since issued certificate of return to Ogah, another Court in Abia State had restrained the Chief Judge from swearing him in.

In another example of conflicting decision of courts involving political parties, the Federal High Court Lagos presided by Justice Buba declared that PDP seven man interim committee appointed by National Convention of the party held in Port-Harcourt on Saturday 21st May, 2016 .(i.e. Senator Ahmed Makarfi led National Caretaker Committee) to run the affairs of the party is illegal and ordered Modu Sheriff to continue as the Chairman of the party.[47] On the other hand, another Federal High Court division presided by Justice A. M. Liman sitting in Rivers State had granted recognition to the Senator Ahmed Makarfi led National Caretaker Committee. The court sacked Ali Modu Sheriff as the Chairman of the party.[48]

Conflicting judgments have always occurred in the Judiciary, raising serious concerns and creating suspicion on the side of those who administer justice according to law. A Senior Advocate of Nigeria, Mr. Ogwu James Onoja, once lamented that conflicting judgments are not good for the interest and image of the courts as they bring out the lack of synergy between the different judicial divisions of the courts.[49] Efforts to resolve the issue are yet to bear fruit, as conflicting judgments of courts create serious confusion among legal practitioners and the general public, making the public lose interest in the judicial system, which should be the final arbiter of the common man.

Nevertheless, the judiciary remains the arm of government that administers justice according to law. It is regarded as the zenith and pantheon of constitutional democracy and the defense of the people against bad governments and deprivations of their rights and privileges. The judicial system is crucial to every democratic society because it upholds

[46] Suit No. FHC/ABJ/CS/71/2016.

[47]FHC/L/CS/61 3/2016.

[48]Evelyn O. 'Why Supreme Court sacked Sheriff as PDP Chairman' Premium Times https://premiumtimesng.com accessed 18th march 202

[49]Ogwu James Onoja, "On conflicting court judgment", the Guardian <https://guardian.ng/features/law/conflicting-judgments-are-big-problem-for-the-judiciary-says-onoja> Accessed 23rd April 2023

peace, order, and good government. Citizens look up to the judiciary to uphold their rights, while governments look up to the courts to interpret laws. Therefore, the judiciary is expected to be clear, consistent, and certain in its judgment without fear of powerful interests and without any form of favoritism towards any individual or parties.

4. CHALLENGES FACING THE NIGERIAN JUDICIARY IN ADDRESSING CONFLICTING JUDGMENTS

The Nigerian Judiciary is faced with several challenges in addressing conflicting judgments, some of which are:

1. Limited Resources and Institutional Capacity: The Nigerian judiciary faces significant challenges regarding limited resources, including human and financial resources, in addressing the issue of conflicting judgments. This situation can limit the judiciary's capacity to undertake extensive research, training, and education programs to mitigate the issue of conflicting judgments. According to Odekunle and Babalola, the Nigerian judiciary's limited capacity has led to the slow dispensation of justice, often resulting in conflicting judgments.[50]
2. Political Interference: The Nigerian judiciary faces significant political interference, which can compromise its independence, impartiality, and effectiveness. Political interference can lead to judges' bias and partiality, resulting in conflicting judgments that undermine the rule of law and democratic institutions. Political interference in the Nigerian judiciary is a significant challenge that affects the judiciary's independence, impartiality, and integrity.[51]
3. Inadequate Legal Framework: The Nigerian legal framework needs to be revised to address the issue of conflicting judgments. The legal framework must provide clear and consistent legal standards and procedures for resolving conflicting judgments, leading to confusion and inconsistencies. According to Bakare, the Nigerian legal framework must be strengthened to provide clear

[50]Odekunle, F., & Babalola, O. The Impact of Judicial Corruption and Delay on Economic Growth in Nigeria. IOSR Journal of Humanities and Social Science, (2015), 20(4), 37–44.

[51] Ibrahim, S., & Adamu, U. The Nigerian Judiciary and Democratic Consolidation: Issues and Challenges. Journal of Law, Policy and Globalization, (2016), 51, 9–17.

and consistent legal standards and procedures for resolving conflicting judgments.[52]

4. Limited Collaboration and Information Sharing: The Nigerian judiciary needs more collaboration and information sharing among judges. Judges must be adequately trained and/or encouraged to consult with their colleagues, to avoid conflicting interpretations of the law. According to Omotosho, the lack of collaboration and information sharing among judges is a significant challenge that affects the Nigerian judiciary's effectiveness in resolving conflicting judgments.[53]

Overall, the Nigerian judiciary's challenges in addressing conflicting judgments are significant and multifaceted and require a concerted effort by all stakeholders, including the government, the judiciary, civil society, and the international community, to strengthen the Nigerian judiciary's capacity to resolve conflicting judgments effectively.

5. CONCLUSION

There is an avalanche of conflicting judgments and orders granted by courts of coordinate jurisdictions especially from the different divisions of the Court of Appeal causing a great deal of damage to the Nigerian legal system. This is a pointer to the sad reality that our courts may no longer be the hallowed chambers of justice that they used to be. Rather, the courts are now being accused of becoming arenas for politicians with the deepest pockets where the wheel of justice spins in shockingly absurd and unforeseen ways. The uncertainty of justice due to frequent conflicting decisions has made a mockery of the Nigerian legal system. As has been shown in this paper, cases abound where the pendulum swings absurdly and in a confusing manner living parties to a case and indeed Nigerians completely lost for direction. This situation cannot continue, and we must all play our parts as well as speak to our conscious as practitioners in the temple of justice to end this menace.

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[52] Bakare, I. A. "Conflicting Judgments in Nigeria: An Analysis of the Legal Framework and Its Implications". *Journal of Politics and Law*, (2017), 10(2), 12–21.

[53]Omotosho, O. J. "The Nigerian Judicial System and the Challenges of the 21st Century". *Journal of Law, Policy and Globalization*, (2014), 23, 8–17.

The paper maintains that conflicting judgments have significant adverse effects on the Nigerian judiciary with severe consequences such as the undermining of the rule of law and the erosion of democratic institutions. The Nigerian judiciary also faces significant challenges in addressing conflicting judgments, including limited resources and institutional capacity, political interference, inadequate legal framework, and limited collaboration and information sharing among judges. The proposed solutions for addressing conflicting judgments in Nigeria include strengthening the institutional capacity of the Nigerian judiciary, developing clear and consistent legal standards and procedures, encouraging collaboration and information sharing among judges, addressing political interference and pressure, and strengthening judicial education and training. This paper concludes from all facts and issues raised herein, that contradictions, not only confuses counsel, but the public as well, further leading to uncertainty regarding the public perception of the ability to guaranty unequivocal justice to the masses.

6. RECOMMENDATIONS

As aforementioned, the Nigerian Judiciary has been facing the perennial problem of conflicting judgments. This issue undermines the credibility of the Judiciary and erodes public trust in the justice system. Considering this, the Nigerian Judiciary must adopt appropriate measures to mitigate the issue of conflicting judgments. The following recommendations are proposed:

Strengthening the Institutional capacity of the Nigerian judiciary is the first solution that can be adopted. The Nigerian judiciary can enhance its institutional capacity to manage and mitigate the issue of conflicting judgments by investing in research, training, and educational programs. This approach will equip judges with the necessary knowledge, skills, and competencies to manage conflicting judgments effectively. A well-equipped judiciary with an excellent institutional capacity can identify conflicting judgments and resolve them promptly. Additionally, research programs can help identify the causes of conflicting judgments and provide solutions to

address the issue. Furthermore, training programs can equip judges with a better understanding of the law and ensure they apply it consistently.[54]

Developing clear and consistent legal standards and procedures is the second solution. The Nigerian legal framework should provide clear and consistent legal standards and procedures for resolving conflicting judgments. This approach will promote consistency, predictability, and certainty in the legal system. Clear and consistent legal standards and procedures can reduce the chances of conflicting judgments. They can also make it easier for judges to apply the law consistently and avoid making conflicting judgments. The Nigerian judiciary can work with the legislature to ensure that legal standards and procedures are consistent and clear.[55]

Encouraging collaboration and information sharing among Judges is the third solution that can be adopted. The Nigerian judiciary should encourage collaboration and information sharing among judges to promote consistency in legal interpretations and judgments. Judges should be encouraged to consult and learn from their colleagues, leading to more informed and consistent decisions. Collaboration and information sharing can promote consistency in legal decisions, reduce the number of conflicting judgments, and improve the quality of justice delivered. Additionally, judges can learn from one another's experiences and become better equipped to manage and mitigate the issue of conflicting judgments.

Addressing political interference and pressure is the fourth solution that can be adopted. The Nigerian government should address political interference and pressure on the judiciary to promote its independence, impartiality, and effectiveness. The government should respect the separation of powers and avoid interfering with the judiciary's operations. Political interference can undermine the credibility of the Judiciary and erode public trust in the justice system. The Nigerian government can work towards ensuring the independence of the judiciary, promoting its impartiality, and allowing it to operate without undue pressure. There

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[54] Less Nwisagbo, To prevent conflicting court judgments, reporting system must be centralized – SAN Alabi. Punch Newspapers. (2021) <https://punchng.com/to-prevent-conflicting-court-judgments-reporting-system-must-be-centralised-san-alabi/> Accessed 26th April, 2023

[55]Durotolu, Olusegun. "The Controversy Within: Conflicting Judgments Of The Supreme Court Of Nigeria On Admissibility Of Unregistered Registerable Instrument." GPH-International Journal of Social Science and Humanities Research 3, no. 10 (2020): 15–52.

should be respect for the independence and impartiality of the Judiciary by avoiding all forms of political interference and pressure.[56]

Strengthening judicial education and training is the fifth solution that can be adopted. The Nigerian judiciary should strengthen judicial education and training to equip judges with the necessary knowledge, skills, and competencies to effectively manage and mitigate the issue of conflicting judgments. Judicial education and training can ensure that judges remain updated on legal developments and have the necessary knowledge to make informed decisions. Additionally, training can equip judges with the necessary skills to manage conflicting judgments and ensure consistency in legal decisions.[57]

The Nigerian judiciary should prioritise the development of a comprehensive legal framework that provides clear and consistent legal standards and procedures for resolving conflicting judgments.

[56]ibid

[57]Abbas, Q. "Conflicting Judgments of High Courts: The Principle of Legal Certainty and the Ends of Justice". Pakistan Law Journal, 2009, pp. 253–264.