**DRAFT PROJECT IDEA**

**Project Number:**
**Title:** Strengthening judicial integrity & capacity, Phase II

**Crime Prevention Area:** Judicial Reform/ Anti-Corruption

**Executing Agency:** UNODC

**Government Counterpart Agency:** Ministry of Justice

**Duration:** 48 months

**Project site:** Nigeria

**Estimated start date:** September 2004

**Total Project Budget:** US $ 4,147,100 (incl. 13% support costs)

**Expected Government Contribution:** US $ 4,147,100

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1. **Project Description (Background and Justification)**

This project, which is a follow up to the pilot project on Strengthening Judicial Integrity and Capacity in Nigeria (FS/NIR/R16), will be carried out by the Government of Nigeria and UNODC. It will build on the achievements made under the prior project, implemented by UNODC in three pilot States, namely Lagos, Borno, Delta and Katsina, as well as at the national level, and aim at expanding the benefits of the pilot testing of various judicial reform measures to all State Judiciaries of the Federation. It is aimed at strengthening the rule of law, both at the national and sub-national level. In order to achieve this goal the project will further assist the Government of Nigeria in increasing the capacity and integrity of the justice system, in particular of the judiciary. By doing so, the project will contribute to enhancing the performance of the court system in the following key areas: (i) public trust in the courts; (ii) access to justice; (iii) timeliness and quality of the trial process; (iv) efficiency and effectiveness of the complaints system and (v) coordination across the criminal justice system.

Strengthening the rule of law in general, and judicial integrity and capacity in particular emerge as an priority according to the recent Assessment of Justice Sector Integrity and Capacity in three Nigerian States conducted by UNODC. The study revealed wide spread corruption within the justice sector. E.g. on the average more than 70% of the lawyers interviewed in Lagos, Delta and Borno State had paid bribes in order to expedited the court proceedings. While, mostly these bribes were paid to court staff, enforcement officers and police, still 20% of the respondents claimed also to have made such payments to judges. Court users confirmed the assessment of

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1 Please note, that if this amount should exceed the Governments currently available resources, the project could easily be subdivided into various phases covering only a certain number of States at a time.
lawyers. More than 40% of the respondents had experienced corruption when seeking access to the justice system. The assessment revealed that in particular the poor and uneducated, as well as ethnic minorities are more likely to be confronted with corruption, encounter obstacles when accessing the courts and to experience delays. It also turned out that corruption within the justice system affects particularly negative grassroots economic development and direct foreign investment.

Overall the assessment drew a very negative picture of the current state of the justice sector (April 2002). In all areas covered by the assessment (access to justice, timeliness and quality, public trust, corruption, independence and impartiality) the judiciaries in all three states on a scale from one (=very good) to ten (= very bad) all ranged between 4 and 6, indicating that in none of the areas the situation can be described as satisfactory.

The project, therefore pursues a 3 layered strategy aimed at:

1. Assisting in the completion of the action plan implementation in Borno, Delta, Lagos and Katsina States and conducting follow-up assessments of justice system integrity and capacity in order to establish the progress made and to identify best practices in the four original pilot States for their replication in all of Nigeria,

2. Rolling out of the judicial integrity and capacity initiative to all States in the country in three phases, with each phase covering 11-13 States, based on the lessons learned under the prior project. This will include the conduct of a baseline assessment of justice system integrity and capacity, the organization of State Integrity Meetings for the Judiciaries and the launching of action plan implementation in three pilot courts in each of the States.

3. Supporting the development of a fully-fledged Federal Action Plan for Strengthening Judicial Integrity and Capacity based on the list of recommendations which was developed and refined during the First and Second Federal Integrity Meetings for Chief Judges, conducted under the prior project and the findings emanating from the Assessment of Justice System Integrity and Capacity in Borno, Delta and Lagos.

*Lessons learned from the first phase of the Judicial Integrity Project;*

The independent evaluation of the first phase of the Judicial integrity project found that the Project concept was sound and the design (using Action Learning principles) of sequential activities was uncomplicated. Notwithstanding the absence of empirical evidence, the evaluation found that there is substantial and compelling anecdotal evidence that the Project has been successful in increasing judicial capacity and integrity. Such evidence includes the response to the installation of complaints boxes and attendant complaints process, and rights awareness posters; high levels of interest and enthusiasm for the Project has been generated, resulting in high numbers of other Nigerian states lobbying for inclusion in the Project; and procedural reform (e.g. Alternative Dispute Resolution (ADR), Multi-door courts, Civil Law reform, ‘holding charge’ reform) which has reduced court delays and improved access to justice.

The evaluation report recommended that the Project enter a second phase which encompasses a expansion from the current four States (including Katsina State) to initially ten States and eventually the entire country.
2. Immediate Objectives, Activities and Related Outputs

Crime Prevention Objective: The present project aims at the enhancement of the rule of law by increasing judicial integrity and capacity and hereby the creation of more favourable conditions for the country’s economical, social and political development.

Immediate Objective
A comprehensive and pilot-tested Federal Anti-Corruption Action Plan based on the findings and recommendations emanating from the assessment of justice system integrity and the lessons learned during the pilot implementation under the prior project.

Output 1.

Activity 1.
Conduct the third two-day Federal Integrity Meeting for judges to:
- review the findings and recommendations emanating from the final assessment report of justice system integrity and capacity conducted in three Nigerian States, namely Borno, Delta and Lagos.
- develop a Federal Anti-Corruption Action Plan for the Judiciary,
- select the States participating in the second and third phase of the implementation of the project;
- agree on the refined assessment methodology

Output 2
Assessment Reports of Justice System Integrity and Capacity for all Nigerian States. More specifically, progress assessments in the three original pilot States, namely Borno, Delta and Lagos State and baseline assessments in all other Nigerian States.

Activity 1.
Conduct in three research phases Justice System Integrity and Capacity Assessments based on a refined methodology in all Nigerian States and prepare respective Reports.

Phase one
Progress assessments in the three original pilot States, namely Borno, Delta and Lagos State and baseline assessments in Katsina State, and the 9 additional States, namely Adamawa, Anambra, Bauchi, Bayelsa, Cross River, Edo, Kano, Kwara and Plateau.

Phase 2
Baseline assessments in 12 Twelve additional States, selected by the Third Federal Integrity Meeting.

Phase 3
Baseline Assessments in 11additional States, selected by the Third Federal Integrity Meeting.
Output 3
Anti-Corruption Action Plans for the judiciary in the all Nigerian States.

**Activity 1.**
Conduct in three phases 2-day State Integrity Meetings in all Nigerian States to develop Anti-Corruption Action Plans for the Judiciary.

**Activity 2**
Establish and institutionalise the Implementation Framework in each of the States, consisting of an Implementation Committee and various Sub-Committees each responsible for the implementation of a specific set of actions identified by the action plans.

Output 4
Anti-Corruption Action Plans fully implemented in the three original pilot States and pilot-tested in all other Nigerian States.

**Activity 1**
Support within the limits of the indicated lump sum (US$ 1,950,000) the completion of the implementation of the action plans in the three original pilot States and launch the action plan implementation in all other Nigerian States. These activities will include, among others:
- Organisational, financial and management support to empower the implementation committee and its subcommittees in the planning, design, coordination and implementation of the action plans;
- installation of complaints boxes;
- judicial ethics training;
- Computerisation of the complaints system and training in its use;
- training in court and case management;
- introductory course on the Lagos-Multi-Door-House-System (Alternative Dispute Resolution);
- other training activities as required by the action plans.

Output 5
Project activities periodically monitored and evaluated, allowing for modification of implementation and eventually a project revision.

**Activity 1**
To conduct semi-annual progress review meetings inviting all participating Chief Judges in order to monitor progress made in the action plan implementation, exchange experiences, share best practices and identify lessons learned.

**Activity 2**
To prepare semi-annual progress reports, including all activities undertaken in the reporting period and other events, measures and actions that took place in the country and are relevant to the project.

**Activity 3**
On completion of the project conduct an independent evaluation of the project, including recommendations for an eventual second phase for the review of a second tripartite meeting.

3. Institutional arrangements

The project will be executed by UNODC. Focal point for all activities at the Federal Level will be the Chief Justice of the Federation and the Ministry of Justice of Nigeria. Focal point for those activities carried out at the State-level will be the Chief Judges of the States.

UNODC will provide expertise, advisory and technical services, such as the conduct of capacity and integrity assessments, the organisation of Integrity Meetings for Judges at the Federal and State level and the monitoring of the implementation of the action plans. For this purpose UNODC will provide adequate financial contributions as indicated in the attached budget table.

The Nigerian Government will in turn provide in-kind contributions. These will include the provision of secretarial support to the NPC in the preparation and conduct of the Integrity Meetings, the provision of transportation in such occasions and of adequate meeting facilities.

The duration of the project is 48 months.

4. Financial Information

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