DOI: https://doi.org/10.67203/abulj.2023.wijio7wv

VERSITY AND THE QUESTION OF MARGINALIZATI IN THE APPOINTMENT OF FEDERAL JUDICIAL OFFICERS AMONG THE THREE MAJOR TRIBES OF HAUSA, IGBO AND YORUBA IN NIGERIA

Musa Adamu Aliyu, PhD

Department of Public Law, Nigerian Police Academy, Wudil

Abstract

Diversity in the appointment of judges is vital in the administration of justice as it helps in instilling public confidence in the judiciary. Nigeria is a heterogeneous society with various ethnic and tribal groups. This paper looks at the approaches in the diversity of the appointment of judicial officers in Nigeria. The scope of the work is limited to the Federal Judicial Officers in Nigeria that are from the three major ethnic groups of Hausa, Igbo and Yoruba. Those judges comprise of the legal practitioners and non-lawyers. There was a claim that persons of Igbo tribe extraction have been marginalised in the appointment of Federal Judicial Officers. This assertion is not correct as it has been found in this paper that there is a fair representation in the appointment of Federal Judicial Officers among the three major tribes. This work is structured into various parts. The first part of the paper is an introduction which concisely introduced the topic. In the second part of the work, literature about the diversity in the appointments of judges was reviewed. The article pointed to the fact that diversity in the selection of judges enhances public confidence in the judiciary. The third part of the paper is the findings. It is found that the appointing and recommending authorities for the appointment of the Federal Judicial Officers have a policy of ensuring inclusiveness in the selection of the judges. Qualitative research method has been used in accomplishing the work. The paper in the last part concludes by making suggestions that there is a need for the appointment to be more diverse and such appointments to

be publicised. Limitation of the Article is that the data used in elucidating the spread of appointment of the judicial officers is limited to the nominal roll of the Federal Judicial Officers prepared by the Planning, Research and Statistics Department of the National Judicial Council as at 27th November, 2017.

Keywords: *Appointment, Diversity, Federal Judicial Officers, Geopolitical Zones, Tribes*

1.1 Introduction

Judges are persons saddled with the responsibility of dispute settlement filed in the courts they are presiding. Such courts could be of the first instance or appellate. Constitutionally, the Federal Judicial Officers in Nigeria are persons occupying judicial offices; the offices have been specifically listed in the Constitution. The individuals are lawyers and in some cases non-legal practitioners. It is the responsibility of the National Judicial Council (the highest recommendation body in the selection of judicial officers) to recommend to the President of Nigeria, the persons he is to appoint as Federal Judicial Officers. In the appointment of the Federal Judicial Officers, there are specific factors guiding the recommending and appointing authorities. The essence of the factors is to ensure diversity or spread in the appointment of the Federal Judicial Officers. Tribe and geographical zones in the country are used in ensuring inclusiveness in the selection of the judges. However, there is a criticism of marginalisation in the appointment of the judicial officers within the three major tribes of Hausa, Igbo and Yoruba. Specifically, there is a claim that individuals of Igbo tribe extraction have been marginalised. The paper begins by exploring the literature on diversity in the appointment of judges; the works enjoined diversification in the selection of the judges so as to instil public confidence in the judiciary. Furthermore, the article examines the legal framework for the appointment of Federal Judicial Officers in Nigeria. The nominal roll of Federal Judicial Officers has been used to explain approaches employ in ensuring diversity in the appointments.

Nigeria is a highly heterogeneous country, with more than 350 ethnic groups and tribes.[1] In Nigeria recently there is an allegation of marginalisation in the appointment of Federal Judicial Officers. Those making the allegation are

[1] Vanguard Nigeria, Full List of All 371 tribes in Nigeria, states where they originate, 10 May 2017 https://www.vanguardngr.com (accessed 26 May 2019); A.A Oba, "Islamic Law As Customary Law: The Changing Perspective in Nigeria," *The International and Comparative Law Quarterly* 51, no. 4 (2002): 817–50.

politicians and academics that persons from South Eastern Nigeria or individuals of Igbo tribe extraction have been marginalised in the selection of the Federal Judicial Officers.[2] The concern raised is capable of negatively affecting the independence of the judiciary and confidence of the members of the public from the South East if the assertion is correct. To clear the issue, the National Judicial Council, the body saddled with the responsibility of recommending to the President persons to be appointed into the judicial offices had denied the claim.[3] The allegation and denial of the marginalisation of persons from South Eastern Nigeria in the appointment of the Federal Judicial Officers is a signal of a problem.

Based on the above, the following research questions have been formulated:

1. What is the mode for the selection of Federal Judicial Officers in Nigeria?
2. How many Federal Judicial Officers are from the three major ethnic groups in Nigeria?
3. Is it Correct that persons of Igbo tribe extraction have been marginalised in the appointment of Federal Judicial Officers?

The research objectives of this paper is to study the legal framework and procedure for the selection of Federal Judicial Officers in Nigeria, find out the spread of Federal Judicial Officers within the three major Ethnic groups in Nigeria and examine whether persons of Igbo tribe extraction have been marginalised in the appointment of Federal Judicial Officers in Nigeria.

This is done by adopting doctrinal research methods which are largely documentary. Doctrinal research methodology is a study that concentrates on cases, rules and principles.[4] The rules, cases and principles are theorised without taking into consideration of the practical application.[5] This research method is basically conducted in a library, "which means that the materials needed by a researcher may be available in libraries, archives and other data base."[6] The main objective of the doctrinal research methods is to systematically ascertain and present issues, laws, concepts theories or the working of specific laws or

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[2] Makama Saul Porsche, "Constitutionalism and Judicial Appointment As a Means of Safeguarding Judicial Independence in Selected African Countries, Master of Laws Dissertation" (University of South Africa, 2012): p.2.; Angela E and Obidinma E.O.C. Obidimma, "Judicial Appointments in Nigeria: The Self Inflicted Inadequate Representation of the Igbos in Federal," *Internatioanl Journal of Business & Law Research* 3, no. June (2015): 33–43.

[3] Evlyn Okakwu, Why Judges from 12 states will not be nominated to Court of Appeal – NJC, 28 November 2017, https://www.premiumtimesng.com (accessed 26 May 2019)

[4] M. Salter and J. Mason, *Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research*. London, Pearson Education Ltd., 2007 p. 6.

[5] Yusuf Aboki, *Introduction to Legal Research Methodology: A Guide for Writing Long Essay, Theses, Dissertations and Articles*, 3rd ed., Kaduna: Ajiba Printing Production, 2013, p. 3.

[6] Anwar Yaqin, *Legal Research and Writing*, Selangor: LexisNexis, 2007, p. 10.

legal institutions.[7] Majority of legal studies are doctrinal, and the legal researchers use the method to make findings and offer suggestions or recommendations.[8] In conducting doctrinal research, the researcher gathers and analyses the data from primary and secondary sources.[9]

The research questions and objectives guide the scope of this research. The area covered by the article concerns the appointment of Federal Judicial Officers among the three major ethnic groups of Hausa, Igbo and Yoruba. The data used in elucidating the spread of appointment of the judicial officers is limited to the nominal roll of the judges as at 27th November, 2017. This information is contained in the Federal Judicial Officers' Nominal roll prepared by the Planning, Research and Statistics Department of the National Judicial Council.

1.2 Imperative for Inclusiveness in the Appointment of judicial Officers in Nigeria

Judicial diversity is essential in the appointment of judges. The spread helps in the enhancement of the confidence of litigants in Courts. The pertinent question is why the absence of diversity in the selection of judges is inevitably challenging?[10] Obidinma & Obidinma had answered the poser in their article where they opined that failure to diversify the appointment of judges raises the problem of marginalisation.[11] A judiciary that is not all- inclusive of the various parts of the society will suffer from a lack of confidence in that society, this is the opinion of Ntlama, and the view is backed by a statement of the Chief Justice of Australia.[12] Tan also has the same view that "A judiciary that does not reflect society's diversity will ultimately lose confidence of that society."[13] The Chief Justice of Australia, however, regards the appointment of unqualified judges as more likely to damage public confidence in the judiciary than a bench that is not

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[7] Ibid.

[8] Aboki, *Introduction to Legal Research Methodology* (n 5).

[9] I. Dobinson and F. Johns (ed), *Qualitative Legal Research in McConville M and Chu (eds), Research Methods for Law.* Edinburgh: University Press, 2007

[10] Samreen Beg, 'Diversity , Transparency & Inclusion in Canada 's Judiciary,' in *Osgoode Digital Commons*, (eds.) Erika Gee, Graham and Rackley London, Routledge, 2017, p.7. http://www.digitalcommons.osgoode.yorku.ca/scholarly_works (accessed 20 May 2019).

[11] Angela E and Obidinma E.O.C. Obidimma, 'Judicial Appointments in Nigeria: The Self Inflicted Inadequate Representation of the Igbos in Federal,' *Internatioanl Journal of Business & Law Research* vol. 3, no. 6, 2015, p. 41.

[12] Nomthandazo Ntlama, "The Transformation of the South African Judiciary: A Measure to Weaken Its Capacity?," 2014, http://www.nylslawreview.com/wp-content/uploads/sites/16/2014/10/Ntlama.pdf (accessed 21 May 2019).

[13] Rogers Tan, "Judicial Diversity Creates Confidence," *Star Online*, 13 November 2011, https://www.thestar.com.my (accessed 26 May 2019).

diverse.[14] Moreover, there are studies in the United Kingdom and the United States which suggests mistrust of the judicial system is higher among some minority communities. And lack of diversity in the judiciary heightens that distrust.[15]

The quest of transforming the judiciary in South Africa led to the adoption of diversifying the appointment of judges. The diversification in the selection of the judges has been argued that it weakens the bench by allowing persons that lack the experience to become judges.[16] Some persons could contend that the appointment of the judges should be on the merit devoid of other considerations such as race, ethnicity or gender of the well-qualified prospective judges.[17] Chief Justice of India has insisted that according to the Indian Constitution appointment of judges is strictly based on merit.[18] However, the truth is that candidates to judicial offices are influenced by their personalities and the kind of understanding they have on society. Professor J.A Griffiths had argued in 1981 that judgments of Courts are reflections of judges' political outlook and attitude.[19] Extensive judiciary helps the judicial arm of government to be independent.[20] In Canada, there are various challenges on the diversity in the appointment of judges.[21] The first problem is that there is an absence of data to trail the applicants that applied to become judges. Such dearth of data makes it difficult to appreciate whether the deficiency of the diversity in the appointment of the judges has to do with the lack of application for the post from the diverse members of the society.[22] Another problem is the nonexistence of a mechanism to ensure qualified candidates from various parts of the society are appointed judges.[23] Then there are insufficient bodies in existence to promote diversification in the appointment of judges.[24]

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[14] Ntlama, "The Transformation of the South African Judiciary (n 12)

[15] Sonia Lawrence, "Reflections: On Judicial Diversity and Judicial Independence," in *Articles & Books Chapters Paper 369*, 2010, 193, http://ssrn.com/abstract=2043089 (accessed 21 May 2019).

[16] *Ntlama* (n 3)

[17] M.P. Singh, "Merit in the Appointment of Judges," The Practical Lawyer, 2012, http://www.supremecourtcases.com (accessed 26 May 2019).

[18] Ibid.

[19] Tan, "Judicial Diversity Creates Confidence," (n 13)

[20] Andrew Griffith, "Diversity Among Federal And Provincial Judges.," Policy Options Politiques, 2016, https://policyoptions.irpp.org/2016/05/04/diversity-among-federal-provincial-judges/ (accessed 21 May 2019).

[21] Beg, "Diversity , Transparency & Inclusion in Canada 's Judiciary." (n 10)

[22] ibid.

[23] ibid.

[24] ibid.

Conceptually, diversification in the appointment of judges is critical to the administration of justice.[25] A judge may face serious contemporary legal issues before him to decide, such matters may include religious belief and sometimes a case that has to do with a controversial issue such as same sex-marriage may be brought before the judge. Litigants appearing before judges are increasingly different in perception; values and experience from that of the adjudicators.[26] Appointment of various persons to the bench improved judicial decisions, for example, according to Chief Justice McLachlin, based on her experience, women judges make a difference on an issue that has to do with the female gender.[27] Lady Brenda Hale, the President of the UK Supreme Court has taken the issue of diversity to the perspective on disputed points; according to her, differences in perspectives and life experiences help in getting positive results in the points that are in contention.[28] The more diverse a judiciary is, the more it turns out to be impartial. The decisions of those courts will not be a replicate of understanding, ideas and experience of a particular group of persons.[29] There is evidence from researches on judicial behaviour showing that the background of judges plays a vital role in their decision making.[30]

Diversity in the judicial appointment has various connotations, which include differences in political opinion. Other meanings of diversity in the selection of judges also comprise of the candidates' route to the bench and aspirants' specialities in practice before elevation to the bench.[31] Section 174(2) of the South African Constitution requires the appointment of judicial officers to roughly involve the racial and gender composition of the country. The President of the United Kingdom's Supreme Court is of the opinion that other sorts of diversity are also significant 'principally ethnic diversity, where there is still a great deal of work to do, but also diversity in social, economic and professional backgrounds. The law, the legal profession and the courts are there to serve the whole population, not just a small section of it. They should be as reflective of that population as it is possible to be.'[32]

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[25] Beverly McLachlin, "'Judging: The Challenges of Diversity'" (Edinburgh, 2012).
[26] Beverly McLachlin, "'Judging: The Challenges of Diversity" (n 25)
[27] ibid.
[28] Tan, "Judicial Diversity Creates Confidence," (n 13)
[29] Rosemary Cairns Way, "The Supreme Court Law Review: Osgoode ' s Annual Deliberate Disregard: Judicial Appointments under the Harper Government Deliberate Disregard: Judicial Appointments under the Harper Government" 67, no. 2 (2014): 44–77.
[30] Singh, "Merit in the Appointment of Judges," (n 17).
[31] Lawrence, "Reflections: On Judicial Diversity and Judicial Independence."(n 15)
[32] Anne Bearne, Suzanne; Bowcott, Owen and Perkins, "Lady Hale: Courts and Judiciary Should Reflect Diversity of UK," *The Guardian UK*, 2018, https://www.theguardian.com/law/2018/feb/15/lady-hale-courts-and-judiciary-should-reflect-diversity-of-uk (accessed 22 May 2019); .

The diversity of Federal Judicial Officers in Nigeria targets the appointment of persons from various parts of the country and tribes. According to Oluyede, Nigeria is a country that is heterogeneous in nature with many kingdoms in the Northern and Southern parts of the country.[33] There are more than two hundred and fifty autonomous nation states which have over five hundred ethnic and linguistic groups.[34] The three major ethnic groups are the Hausa in the Northern part of Nigeria and from the Southern part, there are Yoruba and Igbo tribes.[35] It has been opined that most of Nigerians' allegiance is to their regions rather than to the country.[36]

Marginalisation is globally a challenge that has a negative impact on societies across the world.[37] It is difficult to define the concept of marginalisation to capture various types of deprivations. Mowat submits that the concept of marginalisation has various forms and when it is deliberated about, it refers to the concept of inclusion and exclusion.[38] Exclusion connected to marginalisation according to Jahan, includes relegating a particular society from political space, social negotiation, and economic bargaining.[39] There is also the marginalisation of a section of the society or tribe in the appointment of judges which is another form of relegation.[40] In Nigeria, there was a claim in 2017 that selection of 14 justices to the Court of Appeal was done to favour Northern Nigeria.[41] Moreover, there is a more specific allegation that persons of Igbo tribe extraction have been marginalised in the appointment of Federal Judicial Officers.[42]

However, to curb marginalisation in public appointments, a mechanism termed as Federal Character has been put in place to help in ensuring fairness and justice in the distribution of public offices.[43] Section 14 of the 1999 Constitution (As

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[33] Oluyede Peter, *Peter Oluyede's Constitutional Law in Nigeria*, Reprint, Ibadan: Evans Brothers Nigeria Publishers Limited, 2001, p. 21.

[34] Ibid.

[35] Olorungbemi Simeon Oyadiran, Phillip and Toyin, "Federal Character and Political Integration in Nigeria," *Global Journal of Political Science and Administration* 3, no. 4 (2015), p. 39.

[36] T A Babawale, "Federal Character Commission: An Evaluation," 1999, https/www.nigerianlawguru.com/articles/constitutional (accessed 29 May 2019).

[37] Joan G Mowat, "Towards a New Conceptualisation of Marginalisation," *European Educational Research Journal* 14, no. 5 (2015), p. 455.

[38] Ibid pp. 455-456

[39] Yasmeen Jahan, "Intersectionality of Marginalization and Inequality: A Case Study of Muslims in India," *Journal of Political Sciences & Public Affairs*, 2016, https://doi.org/10.4172/2332-0761.1000187 (accessed 28 May 2019).

[40] Tobi Soniyi, "NJC: No Zone Is Marginalised in Judicial Appointment," *Thisday*, November 29, 2017, https://www.thisdaylive.com (accessed 28 May 2019).

[41] Ibid.

[42] Obidinma & Obidinma (n 11)

[43] Jadesola O Akande, *Introduction to the Constitution of the Federal Republic of Nigeria 1999* Lagos: MIJ Publishers, 2000, pp. 54-56.

Amended) provides that the structure of the Federal Government and its agencies should reflect the diversity of the country. On no account shall persons from a few States or a few ethnic or other sectional groups dominate appointments in the federal government or any of its agencies.

1.3 Appointment of Federal Judicial Officers

Federal Judicial officers are the Chief Justice of Nigeria, Justices of the Supreme Court; President of the Court of Appeal and Justices of the Court of Appeal; Chief Judge of the Federal High Court and Judges of the Court; the President of the National Industrial Court and Judges of the Court; the Chief Judge of the High Court of the Federal Capital Territory, Abuja; Grand Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja; and the President of the Customary Court of Appeal of the Federal Capital Territory, Abuja and the Judges of the Court. These judges are Superior Court Judges that are lawyers and non-legal practitioners whose appointment is made by the President on the recommendation of the National Judicial Council.[44] The recommendation for the appointment is predicated on the list of persons submitted to the National Judicial Council by the Federal Judicial Service Commission and Judicial Service Committee of the Federal Capital Territory, Abuja.[45] Appointments of the Supreme Court Justices and Heads of the Federal Superior Courts require confirmation by the Senate.[46]

1.4 Geographical Spread in the Selection of Federal Judicial Officers

The National Judicial Council had issued National Judicial Policy, 2016 and Revised Guidelines for the Appointment of Superior Court Judges, 2014 to assist the Council in recommending persons to the President for the appointment. The Policy and Guidelines have recognised the importance of spreading the appointment of the Federal Judicial Officers across various parts of the country without compromising merit.[47] This strategy is an attempt by the Council to comply with section 14(3) of the Constitution which encourages federal bodies to ensure that no part of the country or ethnic group dominates the agencies. In other words, a composition of the staff of federal government agency shall have

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[44] Sections 233(1), (2); 238,(1), (2); 250(1),(2); 254(B)(1),(2); 256(1) & (2); 261(1),(2); and 266(1) & (2) of the Constitution of the Federal Republic f Nigeria, 1999 (As Amended)

[45] Paragraph 21 (a),(i) and (ii) of Part I of the Third Schedule to the Constitution of the Federal Republic of Nigeria, 1999 (As Amended).

[46] Sections 231(1) & (2); 238(1); 250(1); 254B(1); 256(1); 261(1) and 266(1) of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended).

[47] Policy 2 of the National Judicial Policy and Rule 3 (6), (iv) of the 2014 Revised Guidelines and Procedural Rules for the Appointment of Judicial Officers of All Superior Courts of Record in Nigeria.

a reflection of the Nigerian people, which is referred to as the federal character. Tribes and geographical locations of the aspirants to the Federal Judicial Offices are taken into consideration by the Council in recommending to the President persons to be nominated for the appointments.

However, the National Judicial Council sometime in 2017 had denied media reports that the Council had excluded persons from South East in the selection of 14 Court of Appeal justices.[48] The Council explained that appointment of the Federal Judicial Officers is based on the availability of vacancies. Where judicial officers from particular geo-political zones were elevated or they retired, "in tandem with the quota system, it is expected that appointment to the positions would come from the zones of the previous occupants."[49] In other words, the appointment of Justices of the Court of Appeal is made based on merit and geographical spread.[50] The Council explained further that "In considering appointment for the 14 vacancies, and to ensure that each zone is adequately presented, all states that have 3 serving justices were not considered unless under special circumstances."[51] According to the National Judicial Council "States like Adamawa, Kebbi and Sokoto had zero representation which informed the need to include them in the current exercise."[52] As for the issue of exclusion of the candidates from South East, the allegation was not true; there was an adequate number of justices of the Court of Appeal from the South East.[53] Despite the clarification made by the National Judicial Council, a socio-cultural group had faulted the Council's explanation as incorrect.[54]

To appreciate the pattern of the spread of the appointment and whether any tribes have been shortchanged resort to the Nominal Roll of the Judicial Officers is important. At the Supreme Court, there are 17 justices, the three major tribes of Hausa, Igbo and Yoruba have a total of 10 justices. The remaining seven justices are from minority tribes in the country. In the Court of Appeal, the three major tribes have a half number of the Justices. The major tribes of Hausa, Igbo and Yoruba have 7, 14 and 17 number of justices respectively. The minority tribe's

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[48] Evelyn Okakwu, "NJC, Onnoghen Speak on Alledged Lopsided Appointment of 14 Appeal Court Judges," *Premiumtimes Nigeria*, November 28, 2017, https://www.premiumtimesng.com (accessed 30 May 2019).

[49] ibid.

[50] Ikechukwu Nnochiri, "NJC SPEAKS ON EXCLUSION OF IGBOS FROM JUDICIAL APPOINTMENTS," *Abuja Reporters*, November 29, 2017, https://www.abujareporters.com (accessed 30 May 2019).

[51] Ibid.

[52] Ibid

[53] Ibid.

[54] Emeka Mamah, "Appointment of Justices of Court of Appeal: Igbo Group Says NJC Not Telling the Truth," *Vangaurd Newspaper*, Novemebr 30, 2017, https://www.vangaurdngr.com (accessed 30 May 2019).

total number of judges in the Court of Appeal is 38. In the other federal courts, the same patterns of spread of the appointments have been followed. The courts are the Federal High Court, National Industrial Court, the High Court of the Federal Capital Territory, Abuja, the Sharia Court of Appeal of the Federal Capital Territory, Abuja and the Customary Court of Appeal of the Federal Capital Territory, Abuja.

The total number of Federal Judicial Officers is 257 based on the record contained in the Nominal Roll. The three dominant tribes of Hausa; Igbo and Yoruba, take 42.8% that is 110 judicial officers. The Hausa's have 30 judges, the Igbo with 35 judges and 45 judges are from the Yoruba tribe. The minority tribes have 57.2%, which is 147 judges. Those smaller tribes include the Agwagune, Attakar, Bade, Bajju, Berom, Bini, Bogghom, Boki, Bolewa, Burra, Dakarkari, Egbura, Eggon, Ekoi, Fulani, Gasi, Goemai, Hausa/Fulani, Ibibio, Ichen, Igala, Ijaw, Ikwerre, Ishan, Isoko, Jukun, Kagoro, Kanuri, Nupe, Oshimili, Sanga, Sayawa, Tiv, and Urhobo.

The breakdown of the number of Federal Judicial Officers from the three major ethnic groups is as follows:

Table 1: Federal Judicial Officers of Hausa Tribe Extraction

S/N	Name of Judicial Officer (s)	State	Geo-Political Zone	Court
1.	Hon. Justice I T. Muhammad	Bauchi	North East	Supreme Court
2.	Hon. Justice M.D Muhammad	Niger	North Central	Supreme Court
3.	Hon. Justice Amiru Sanusi	Katsina	North West	Supreme Court
4.	Hon. Justice A. A. Augie	Kebbi	North West	Supreme Court
5.	Hon. Justice M.L. Garba	Zamfara	North West	Court of Appeal
6.	Hon. Justice Abdu Aboki	Kano	North West	Court of Appeal
7.	Hon Justice I.M Saulawa	Katsina	North West	Court of Appeal
8.	Hon Justice Husseein Mukhtar	Bauchi	North East	Court Appeal

9.	Hon Justice T. Y Hassan	Kano	North West	Court of Appeal
10.	Hon Justice M. L. Shuaibu	Jigawa	North West	Court of Appeal
11.	Hon Justice J.Y Tukur	Katsina	North West	Court of Appeal
12.	Hon Justice S. Yahuza	Kano	North West	Federal High Court
13.	Hon Justice B.B Aliyu	Zamfara	North West	Federal High Court
14.	Hon Justice UM Garba	Taraba	North East	Federal High Court
15.	Hon Justice A.R Mohammed	Bauchi	North East	Federal High Court
16.	Hon Justice R.M Aikawa	Kano	North West	Federal High Court
17.	Hon Justice I.M Sani	Kaduna	North West	Federal High Court
18.	Hon Justice M.S Abubakar	Jigawa	North West	Federal High Court
19.	Hon Justice I.G. Bature	Katsina	North West	Federal High Court
20.	Hon Justice M.L. Abubakar	Sokoto	North West	Federal High Court
21.	Hon Justice M.L. Abubakar	Bauchi	North East	National Industrial Court
22.	Hon Justice R.H.Gwandu	Kebbi	North West	National Industrial Court
23.	Hon Justice Lawal Mani	Zamfara	North West	National Industrial Court
24.	Hon Justice I.U Bello	Kaduna	North West	High Court of Justice, FCT
25.	Hon Justice S.A. Garba	Katsina	North West	High Court of Justice, FCT
26.	Hon Justice M.A. Nasir	Katsina	North West	High Court of Justice, FCT
27.	Hon Justice A.N.M. Othman	FCT Abuja	North Central	High Court of Justice, FCT

28.	Hon Justice A.B. Mohammed	Kano	North West	High Court of Justice, FCT
29.	Hon Kadi I.R. Imam	Zamfara	North West	High Court of Justice, FCT
30.	Hon Kadi I.B. Gwaram	Jigawa	North West	High Court of Justice, FCT

Source: National Judicial Council, Federal Judicial officers Nominal Roll 2017

Table 2: Federal Judicial Officers of Igbo Tribe Extraction

S/N	Name of Judicial Officer (s)	State	Geo-Political Zone	Court
1.	Hon. Justice N.S Ngwuta	Ebonyi	South East	Supreme Court
2.	Hon. Justice M.U.P Odili	Imo	South East	Supreme Court
3.	Hon. Justice C.C. Nweze	Enugu	South East	Supreme Court
4.	Hon. Justice U.I N-Anyawu	Anambra	South East	Court of Appeal
5.	Hon. Justice C.N. Uwa	Abia	South East	Court of Appeal
6.	Hon. Justice C.E. Nwosu-Iheme	Imo	South East	Court of Appeal
7.	Hon. Justice T.N Orji-Abadua	Imo	South East	Court of Appeal
8.	Hon. Justice C.E. Iyizoba	Anambra	South East	Court of Appeal
9.	Hon. Justice O.F Ogbuinya	Ebonyi	South East	Court of Appeal

10.	Hon. Justice U. Onyemenam	Ebonyi	South East	Court of Appeal
11.	Hon. Justice O.A. Otisi	Abia	South East	Court of Appeal
12.	Hon. Justice C.I. Jombo-Ofo	Abia	South East	Court of Appeal
13.	Hon. Justice P.O Elechi	Ebonyi	South East	Court of Appeal
14.	Hon. Justice U.A. Ogakwu	Enugu	South East	Court of Appeal
15.	Hon. Justice N. Okonkwo	Imo	South East	Court of Appeal
16.	Hon. Justice P.I. Ajoku	Imo	South East	Federal High Court
17.	Hon. Justice A.A. Okeke	Anambra	South East	Federal High Court
18.	Hon. Justice M.A. Onyetenu	Delta	South South	Federal High Court
19.	Hon. Justice L.I Ojukwu	Abia	South East	Federal High Court
20.	Hon. Justice C.J. Aneke	Enugu	South East	Federal High Court
21.	Hon. Justice D.U Okoronkwo	Enugu	South East	Federal High Court
22.	Hon. Justice U. N. Agomoh	Abia	South East	Federal High Court
23.	Hon. Justice E.N Anyadike	Imo	South East	Federal High Court
24.	Hon. Justice A.C. Obiozor	Anambra	South East	Federal High Court

25.	Hon. Justice N.U Esowe	Abia	South East	National Industrial Court
26.	Hon. Justice E.N. Agbakoba	Anambra	South East	National Industrial Court
27.	Hon. Justice K.I. Amadi	Imo	South East	National Industrial Court
28.	Hon. Justice E.M. Oji	Ebonyi	South East	National Industrial Court
29.	Hon. Justice N.S.C Ogbuanya	Enugu	South East	National Industrial Court
30.	Hon. Justice J. O. Okeke	Anambra	South East	High Court of Justice, FCT
31.	Hon. Justice C.N Oji	Anambra	South East	High Court of Justice, FCT
32.	Hon. Justice A.O. Otaluka	Imo	South East	High Court of Justice, FCT
33.	Hon. Justice U.C. Ndukwe	Ebonyi	South East	High Court of Justice, FCT
34.	Hon. Justice O.K Nwamaka	Enugu	South East	High Court of Justice, FCT
35.	Hon. Justice N. U. Okasiabor	Imo	South East	Customary Court of Appeal, FCT

Table 3: Federal Judicial Officers of Yoruba Tribe Extraction

S/N	Name of Judicial Officer (s)	State	Geo-Political Zone	Court
1.	Hon. Justice O. Rhodes-Vivour	Lagos	South West	Supreme Court

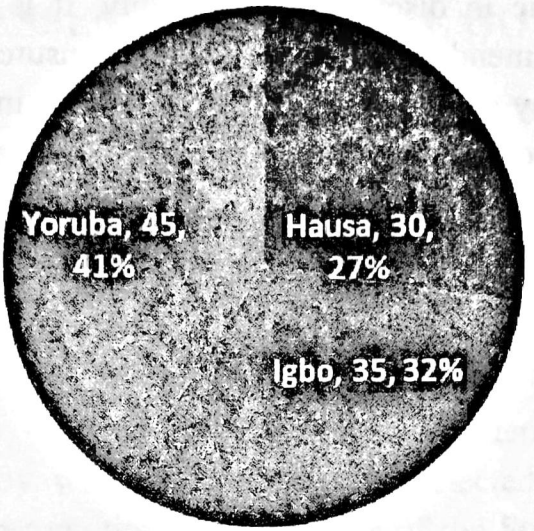
2.	Hon. Justice O. Ariwoola	Oyo	South West	Supreme Court
3.	Hon. Justice O. Kekere-Ekun	Lagos	South West	Supreme Court
4.	Hon. Justice J.O. Bada	Osun	South West	Court of Appeal
5.	Hon. Justice H.M. Ogunwumiju	Ondo	South West	Court of Appeal
6.	Hon. Justice O.F. Omoleye	Ekiti	South West	Court of Appeal
7.	Hon. Justice M.A. Owoade	Oyo	South West	Court of Appeal
8.	Hon. Justice A.O. Lokolo-Sodipe	Ogun	South West	Court of Appeal
9.	Hon. Justice Modupe Fasanmi	Ondo	South West	Court of Appeal
10.	Hon. Justice I.O Akeju	Ekiti	South West	Court of Appeal
11.	Hon. Justice T.O. Awotoye	Osun	South West	Court of Appeal
12.	Justice T.D. Akomolafe-Wilson	Ekiti	South West	Court of Appeal
13.	Hon. Justice H.A.O. Abiru	Lagos	South West	Court of Appeal
14.	Hon. Justice P.O. Ige	Oyo	South West	Court of Appeal
15.	Hon. Justice O.A. A-Okojie	Ogun	South West	Court of Appeal
16.	Hon. Justice M.N. Onyiangi	Kwara	North Central	Court of Appeal
17.	Hon. Justice M.O. B-Yusuf	Oyo	South West	Court of Appeal
18.	Hon. Justice E.O. W-Dawud	Lagos	South West	Court of Appeal
19.	Hon. Justice J.O Oyewole	Osun	South West	Court of Appeal

20.	Hon. Justice C.MA. Olatoregun	Lagos	South West	Federal High Court
21.	Hon. Justice G.O. Kolawole	Osun	South West	Federal High Court
22.	Hon. Justice A.O. Faji	Lagos	South West	Federal High Court
23.	Hon. Justice A.F Ademola	Ogun	South West	Federal High Court
24.	Hon. Justice B.O Kewumi	Ondo	South West	Federal High Court
25.	Hon. Justice F.A. Olubanjo	Oyo	South West	Federal High Court
26.	Hon. Justice O.B. Quadri	Oyo	South West	Federal High Court
27.	Hon. Justice O.O Oguntoyinbo	Ekiti	South West	Federal High Court
28.	Hon. Justice O.O Oguntoyinbo	Ondo	South West	Federal High Court
29.	Hon. Justice Taiwo O. Taiwo	Ogun	South West	Federal High Court
30.	Hon. Justice O.O Tokade	Osun	South West	Federal High Court
31.	Hon. Justice Akitayo Aluko	Ekiti	South West	Federal High Court
32.	Hon. Justice B.A Adejumo	Ondo	South West	National Industrial Court
33.	Hon. Justice F.I Kola-Olare	Kwara	North Central	National Industrial Court
34.	Hon. Justice J.D Peters	Ekiti	South West	National Industrial Court
35.	Hon. Justice O.O Oyewunmi	Oyo	South West	National Industrial Court
36.	Hon. Justice S.O. Adeniyi	Ogun	South West	National Industrial Court
37.	Hon. Justice A.A.	Osun	South West	National Industrial

	Adewemimo			Court
38.	Hon. Justice O.O Arowosegba	Ondo	South West	National Industrial Court
39.	Hon. Justice S.E. Aladetoyinbo	Ekiti	South West	High Court of Justice, FCT
40.	Hon. Justice O.O Goodluck	Lagos	South West	High Court of Justice, FCT
41.	Hon. Justice A.A. Banjoko	Ogun	South West	High Court of Justice, FCT
42.	Hon. Justice F.A Ojo	Kwara	North Central	High Court of Justice, FCT
43.	Hon. Justice O.A Adeniyi	Oyo	South West	High Court of Justice, FCT
44.	Hon. Justice A.S Adepoju	Osun	South West	High Court of Justice, FCT
45.	Hon. Justice S.A Lawal	Ondo	South West	Customary Court of Appeal, FCT

Source: National Judicial Council, Federal Judicial officers Nominal Roll 2017

Based on the three tables above, in terms of number and percentage of Federal Judicial Officers among the three major tribes, the individuals of Igbo tribe extraction have not been marginalised; they are second in terms of numerical strength as shown in the pie chart below:



The National Judicial Council's pattern for spread of the appointment is fair based on what is contained in the tables above. The pie chart has shown that there are more Federal Judicial officers of Igbo tribe extraction than individual Federal Judicial Officers that are from the Hausa tribe, the dominant ethnic group from Northern Nigeria.

1.5 Conclusion

It is the finding of this paper that the spread in the selection of the judges has taken the feature of geographical spread and tribal connotations. The article found that there is no marginalisation of persons from the South East or Igbo tribe in the appointment of Federal Judicial Officers.

Judges' composition that reflects people in the society instils self-assurance in public. Federal Judicial Officers in Nigeria are judges that hail from various parts of the country. Apart from geographical dynamics in the spread for the selection of the judges, the appointing and recommending authorities consider tribes in selecting the judicial officers. The three major ethnic groups of Hausa, Igbo and Yoruba have 42.8% Federal Judicial Officers as against the 57.2% of the appointment spread among the minority tribes. The claim of marginalisation against individuals of Igbo tribe extraction is not correct. Based on the data from the National Judicial Council, the three major tribes have fair representation in the appointment of Federal Judicial Officers. There are more Federal Judicial Officers of Igbo tribe extraction than judges of Hausa tribe extraction. The paper concludes by suggesting more spread in the appointment to minimise the cry of

marginalisation. Since judges as arbiters in the society require the confidence of members of the public in discharging their duty, it is further suggested that appointing and recommending authorities should ensure more diversity in the appointment. As a way of boosting public confidence in the Federal Judiciary, publicising the spread of the appointment is highly recommended.