



CONCEPT NOTE COURTS AND SOCIETY WEBINAR SERIES, 2025

THEME:

The Courts' Role in Promoting and Sustaining Stable Constitutionalism

INTRODUCTION

“Courts are key indicators of democracy in any country, as judicial interpretation of the Constitution indicates the extent of democratic development in any society. However, over the years, the courts in most democracies, especially of the Global South, have been struggling to achieve judicial independence and maintain the rule of law amidst their countries checkered democratic histories. Most of these African democracies, like Nigeria, reference advanced democracies like the U.S.A., as the ideal standard for sustaining Constitutionalism. There are subtle assumptions that only advanced democracies can achieve stable constitutionalism. However, that is not always the case as constitutionalism is a vague concept that is relative to the unique socio-political cultural history of a specific country, and key factors like the rule of law; judicial independence, separation of powers, and an autochthonous Constitution determine stable constitutionalism. Thus, despite the ‘ideal’ democracy in a country like the U.S.A., there are still fundamental elements of the rule of law, and judicial independence, that challenge the essence of stable constitutionalism...”¹

Society depends on courts to defend democratic values and tenets. So, if a court of law fails to perform its democratic roles in society, it negatively impacts society and the government, and this continues to create mistrust and breaches public confidence in our courts. Accordingly, this CSWS, which is an output from the **1st Honorable Justice Niki Tobi Biennial International Symposium**,² creates a platform where judges, lawyers, students, researchers, and the public from across the globe connect to discuss and learn about the courts' roles in society and democratic governance/development. Through the years, several webinar series have gathered distinguished

¹ Niki-Tobi, A. “A Socio-Judicial Approach to Resolving Judicial Dilemmas in Promoting Stable Constitutionalism in Africa.” The Socio-Legal Studies Association Conference, 2023 –Ulster University, Derry-Londonderry (April 5, 2023)

² The 1st Honorable Justice Niki Tobi Biennial Symposium which was titled “The Nigerian Judge and Society: Justice Niki Tobi’s Impact on the Development of Law and Society,” held in The Federal Capital Territory of Nigeria, Abuja in December 2021. It birthed the CSWS in April 2022.

speakers from different courts/countries to emphasize the indispensable role of courts/judges in society and democratic development. This 12th series adds to that pool of jurisprudence.

Accordingly, the above quote raises questions about constitutionalism? Is there stable Constitutionalism? Is stable constitutionalism a myth or reality? Can courts sustain stable constitutionalism? Do the courts have a role to promote and sustain stable constitutionalism? Should judges promote constitutionalism? How can judges sustain or enable stable constitutionalism? Do courts have what it takes to promote and sustain constitutionalism? These and many more are questions within a virtual roundtable, comprising experts from different countries worldwide. These experts will discuss from their extensive research and experiences on the theme. Nigeria's Distinguished Professor Taiwo Osipitan, SAN, a constitutional law expert, and former member of the committee that deliberated and put together the 1999 Constitution of the Federal Republic of Nigeria, will moderate the panel of distinguished intellectuals from different countries.

GOALS AND OBJECTIVES

- ❖ To understand the key components of constitutionalism and how they impact courts and society.
- ❖ To build public confidence in our justice systems
- ❖ To educate judges on their roles in sustaining stable constitutionalism.
- ❖ To foster mutual understanding of the culture of different court systems
- ❖ To foster an intellectual and cultural exchange of ideas and experiences
- ❖ To appreciate and respect diverse viewpoints
- ❖ To advance judicial jurisprudence and ensure socio-judicial development.
- ❖ To inspire further research on courts and society

TARGET AUDIENCE

- ❖ Judges
- ❖ Lawyers
- ❖ Professors
- ❖ Students
- ❖ The legislative community
- ❖ The executive community
- ❖ Judicial institutes
- ❖ Policy institutes
- ❖ Non-profit organizations
- ❖ The public

THANK YOU!
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