

CONFLICTING JUDGMENTS, COORDINATE JURISDICTION AND THE SEARCH FOR DOCTRINAL CERTAINTY IN NIGERIAN COURTS

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Abstract

In July 2026, two panels of the Court of Appeal sitting in Abuja delivered, within days of one another, contradictory judgments on the validity of the Independent National Electoral Commission's revised timetable for the 2027 general election: one panel upheld the timetable as a lawful exercise of administrative discretion, while the other struck down the statutory provisions on which part of that timetable rested. This issue was not an isolated lapse but an instance of a recurring institutional problem. The article argues that Nigerian commentary on "conflicting judgments" conflates three analytically distinct phenomena: genuine horizontal conflict between decisions of courts of coordinate jurisdiction; decisions reached per incuriam and subsequently mislabelled as conflicts; and outright non-compliance with the valid orders of a superior court. Each phenomenon has a different institutional cause and therefore requires a different remedy, yet Nigerian reform proposals have tended to address all three with an undifferentiated appeal to judicial care. Drawing on the constitutional text governing enforcement of judicial decisions, leading authorities on precedent, and the 2026 controversies themselves, the article traces the underlying structural problem to the absence of any settled rule of horizontal stare decisis binding coordinate panels, and to the absence of a case-management mechanism capable of flagging a live

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doctrinal conflict before, rather than after, it produces two final judgments. It closes with a sequenced set of recommendations addressed to the National Judicial Council, the Court of Appeal and the National Assembly.

Keywords: Judicial precedent; stare decisis; conflicting judgments; Court of Appeal; coordinate jurisdiction; per incuriam.

1. INTRODUCTION

On 17 July 2026, two differently constituted panels of the Court of Appeal, both sitting in Abuja, handed down judgments on the same underlying question of electoral administration and arrived at opposite conclusions. One panel, led by Justice Adebukola Banjoko, upheld the Independent National Electoral Commission's Revised Timetable and Schedule of Activities for the 2027 general election as a lawful exercise of the Commission's administrative discretion. The other panel, led by Justice Balkisu Bello Aliyu, struck down sections 77(5), (6) and (7), and 84(2) of the Electoral Act 2026, the provisions on which part of the same timetable depended, as inconsistent with the 1999 Constitution of the Federal Republic of Nigeria.¹ The divergence left legal practitioners with the task of advising political parties, candidates and the Commission itself on a question to which the Court of Appeal, on the same day, had given two different answers.²

The incident did not arise in a vacuum. Two months earlier, the President of the Nigerian Bar Association, Mazi Afam Osigwe SAN,

¹Alex Enumah, 'Two Appeal Courts Issue Conflicting Judgments on INEC's Power, Guidelines' *This Day Live* (Abuja, 17 July 2026) <<https://www.thisdaylive.com/2026/07/17/two-appeal-courts-issue-conflicting-judgments-on-inecs-power-guidelines/>> accessed 25 July 2026.

²Iyobosa Uwugiaren, 'Two Judgements, One Election: Can INEC Keep 2027 on Track?' *This Day Live* (20 July 2026) <<https://www.thisdaylive.com/2026/07/20/two-judgements-one-election-can-inec-keep-2027-on-track/>> accessed 25 July 2026.

addressing the Law Week of the Association's Anaocha Branch on the theme 'Justice Delivery and Prevailing Conflicting Judgements: An Imperative for Urgent Judicial Reforms', had already warned that lawyers could no longer advise their clients with confidence on the applicable law in politically sensitive cases.³ He added that 'justice loses its meaning when the law becomes uncertain'.⁴ A month later, a commentary addressed to the National Judicial Council catalogued a related but distinct problem: that of trial courts disregarding valid orders of the Court of Appeal itself.⁵

This paper's central claim is that these three instances, though routinely discussed together under the single heading of 'conflicting judgments', are not the same problem. The first, illustrated by the July 2026 Court of Appeal split, is genuine horizontal conflict: two panels of coordinate jurisdiction apply the same principles of law to materially similar facts, yet reach different decisions, because nothing in the system requires or even assists either panel to notice what the other is doing. The second is a decision wrongly reached without regard to a controlling authority, a *per incuriam* decision that is then reported and discussed as though it were a considered disagreement rather than an oversight. The third is simple non-compliance, where a court declines to give effect to an order actually made by a superior

³Nigerian Bar Association, 'Conflicting Judgments: NBA President Demands Urgent Judicial Reforms to Restore Certainty in Nigeria's Legal System' (*NBA Blog*, 9 May 2026) <<https://blog.nigerianbar.org.ng/2026/05/09/conflicting-judgments-nba-president-demands-urgent-judicial-reforms-to-restore-certainty-in-nigerias-legal-system/>> accessed 25 July 2026.

⁴Jerry wright Ukwu, 'Conflicting Judgements Weakening Public Confidence in Judiciary, Says NBA President' *The Cable* (Lagos, 9 May 2026) <<https://www.thecable.ng/conflicting-judgements-weakening-public-confidence-in-judiciary-says-nba-president/>> accessed 25 July 2026.

⁵Tochukwu Jimo Obi, 'NJC and Conflicting Court Judgments' *This Day Live* (17 June 2026) <<https://www.thisdaylive.com/2026/06/17/njc-and-conflicting-court-judgments/>> accessed 25 July 2026.

court. Each has a different cause and therefore requires a different cure. Treating them as one undifferentiated crisis of ‘judicial inconsistency’ is, this article argues, a significant part of why Nigerian reform proposals on the subject have tended toward generalised appeals for judicial care rather than toward institutional design.

The paper proceeds in six further parts. Part 2 sets out the constitutional and case law framework that currently governs precedent in Nigeria and identifies a specific textual gap in that framework. Part 3 develops the three-part taxonomy introduced above, illustrating each category with documented cases. Part 4 asks why coordinate panels diverge as often as they do, focusing on structural rather than individual explanations. Part 5 returns to the 2026 controversies to show how the taxonomy applies to live practice. Part 6 sets out a sequenced set of structural proposals, and Part 7 concludes.

2. THE DOCTRINE OF PRECEDENT IN NIGERIA: A STATUTORY AND CASE-LAW MAP

Section 287 of the Constitution of the Federal Republic of Nigeria 1999 provides that the decisions of the Supreme Court, and separately the decisions of the Court of Appeal, ‘shall be enforced in any part of the Federation by all authorities and persons, and by courts with subordinate jurisdiction’.⁶ This provision is the constitutional anchor for the vertical dimension of the Nigerian doctrine of *stare decisis*: it obliges lower courts to give effect to, and follow, the decisions of the courts above them. It is on this premise that Nigerian scholars have generally rested the broader doctrine of judicial precedent, understood as an instrument of ‘certainty, regularity and predictability’.⁷

⁶Constitution of the Federal Republic of Nigeria 1999 (as amended), s 287(1)–(3).

⁷Desmond O N Agwor and Ogorchukwu Igila, ‘An X-ray of the Doctrine of Stare Decisis in Nigeria’ (2022) 10(1) *International Journal of Business & Law Research* 98, 99.

What section 287 does not address on its own terms, however, is the horizontal dimension: what a panel of the Court of Appeal owes to an earlier decision of a different panel of the same court, or what one panel of the Supreme Court owes to an earlier panel of that same court. This lacuna has been filled, unevenly, by judicial decision. The general rule is that a decision reached without regard to a binding statute or otherwise controlling authority is *per incuriam* and does not bind later courts,⁸ a proposition traceable at least to 1970.⁹ The Supreme Court has also held, in a plethora of cases, that it retains an inherent power to depart from its own previous decisions in appropriate cases.¹⁰ Where two decisions of a superior court are found genuinely to conflict, the settled rule since 1997 has been that a court bound by both is ‘at liberty to choose’ between them, provided it gives reasons for the choice it makes.¹¹ In 2010, this rule was thrown into some confusion when a differently reasoned decision appeared to superimpose a mechanical instruction to prefer whichever of the two conflicting authorities was decided later in time, a gloss that later commentary has itself criticised as *per incuriam*.¹²

⁸Kola Awodein SAN and Misbau Alamu Lateef, 'So Called Conflicting Decisions of the Supreme Court: A Popular Mischaracterisation, the Uncertainty, and the Path to Reform' (*Law Pavilion Blog*, 6 May 2025) <<https://blog.lawpavilion.com/so-called-conflicting-decisions-of-the-supreme-court-a-popular-mischaracterisation-the-uncertainty-and-the-path-to-reform/>> accessed 25 July 2026, discussing *Alhaji Karimu Adisa v Emmanuel Oyinwola* [2000] LPELR-186 (SC).

⁹*Ibid*, citing *Okonkwo Ngwo & Ors v Raphael Monye & Others* (1970) LPELR-1991 (SC).

¹⁰*Ibid*, citing *Abdulkarim v Incar Nigeria Ltd* [1992] 7 SCNJ 366 for the Supreme Court's inherent power to depart from its own previous decisions.

¹¹*Ibid*, discussing *NEPA v Onah* [1997] LPELR-1959 (SC), which held that where two decisions of a superior court conflict, a lower court or a court of coordinate jurisdiction is at liberty to choose between them.

¹²*Ibid*, criticising *Osakue v Federal College of Education (Technical), Asaba* (2010) 10 NWLR (Pt 1201) 1 for introducing, within a single judgment, a mechanical ‘later-

None of this is merely academic. As Oputa JSC put it, in a passage now much quoted, ‘where...learned counsel believe[s] any decision...has been given per incuriam, such counsel should have the boldness and courage to ask that such a decision be overruled’.¹³ The doctrine of precedent in Nigeria is not, in other words, a passive rule that applies itself automatically; it depends on litigants and judges actively identifying when a prior decision was wrongly reached, as distinct from when it was rightly reached but now conflicts with something else. Part 3 shows why this distinction matters and how often it is missed.

3. THREE PHENOMENA MASQUERADING AS ONE

The first category is real horizontal conflict. Two panels of a court of coordinate jurisdiction, each applying settled reasoning to comparable facts, reach different conclusions because the law genuinely admits of more than one defensible answer, or because the second panel was unaware of the first. In 2017, the Supreme Court held unanimously that service of a pre-election notice on a respondent's counsel, rather than on the respondent personally, was ‘good, competent and effective’ service. Four years later, in 2021, a differently constituted panel of the same Court split 4–3 on materially similar facts, the majority holding that failure to effect personal service ‘constitutes a fundamental vice’ rendering the appeal incompetent.¹⁴ A comparable pattern is documented in relation to the requirements for serving

in-time’ rule that the authors argue is itself per incuriam and inconsistent with the Court's own citation of *NEPA v Onah* in the same passage.

¹³ *Adegoke Motors Ltd v Adesanya* [1989] LPELR-94 (SC); (1989) 3 NWLR (Pt 109) 250, 274 (Oputa JSC), quoted in Awodein and Lateef (n 10).

¹⁴ Awodein and Lateef (n 10), discussing *Saleh v Abah* [2017] LPELR-41914 (SC) (Bage JSC) and *Odeh v Alaga* (2021) (SC), in which a differently constituted panel split 4–3 four years later, the majority holding that failure to effect personal service of a notice of appeal renders it incompetent.

Federal High Court processes across state boundaries,¹⁵ and again in relation to the scope of that court's jurisdiction over fundamental rights applications.¹⁶ In each instance, both decisions were carefully and analytically reasoned. The conflict, on this analysis, lies not in error but in the absence of any mechanism obliging the second panel to reconcile its reasoning with the panel that decided the point first.

The second category may look identical from the outside but is analytically different: a decision that departs from an earlier one, not because the later panel disagreed with it after full argument, but because the later panel did not engage with it at all. When the Supreme Court held, in a widely cited 2007 decision, that originating court processes could not validly be signed in the name of a law firm rather than in the name of a legal practitioner,¹⁷ it did so without addressing an earlier authority, *Cole v Martins*, from 1968, which had proceeded on a different assumption, that a legal practitioner practising alone under a registered business name had sufficiently identified himself for the purposes of the Legal Practitioners Act.¹⁸ Similarly unexplained departures from earlier decisions have been documented between decisions on the transfer of cases between the Federal High Court and the State High Courts, one of which the Supreme Court later acknowledged, in a subsequent case, to have been reached *per*

¹⁵Awodein and Lateef (n 10), discussing *MV Arabella v Nigerian Agricultural Insurance Corporation* [2008] 11 NWLR (Pt 1097) 182 and *Akeredolu v Abraham* [2019] All FWLR (Pt 998) 179, which reach conflicting conclusions on whether s 97 of the Sheriffs and Civil Process Act applies to Federal High Court processes.

¹⁶Awodein and Lateef (n 10), discussing *Adetona v I.G. Enterprises Ltd* [2011] 7 NWLR (Pt 1247) 535 and *Federal University of Technology, Minna v Olutayo* [2018] All FWLR (Pt 935) 1255, which take divergent approaches to the scope of the Federal High Court's fundamental rights jurisdiction.

¹⁷*Okafor v Nweke* [2007] 10 NWLR (Pt 1043) 521; [2007] LPELR-2412 (SC).

¹⁸*Cole v Martins* [1968] LPELR-25443 (SC); see the discussion in Awodein and Lateef (n 10).

incuriam,¹⁹ and between decisions on the admissibility of unregistered land instruments handed down three years apart, in which the later panel did not address the constitutional reasoning on which the earlier one rested.²⁰ A particularly instructive recent instance saw a concurring judgment declare an earlier precedent ‘abandoned’ and ‘not good law’ without further analysis, a technique of implied overruling that more disciplined common law systems generally reject. American courts, by contrast, are instructed to follow directly controlling precedent ‘even when it appear[s] to rest on rejected reasoning’ until the higher court itself expressly overrules it, and English courts operate under an equivalent presumption of stability dating to 1966.²¹ Labelling this second category a ‘conflict’ obscures the fact that the correct response is not to choose between two equally authoritative positions, as the first category requires, but to identify and disregard the erroneous one.

The third category is not a doctrinal problem at all but one of non-compliance. In 2026, a Federal High Court in Abuja ordered the Independent National Electoral Commission to deregister five political parties, the African Democratic Congress, Action Peoples Party, Advanced Peoples Party, Accord Alliance and the Zenith Labour Party

¹⁹Awodein and Lateef (n 10), discussing *Fasakin Foods (Nig) Ltd v Shosanya* [2006] 10 NWLR (Pt 987) 126 and *Associated Discount House Ltd v Amalgamated Trustees Ltd* (2006) 10 NWLR (Pt 989) 635, the latter later acknowledged to have been decided per incuriam in *Amalgamated Trustees Ltd v Associated Discount House Ltd* [2007] 15 NWLR (Pt 1056) 118.

²⁰Awodein and Lateef (n 10), discussing *Benjamin v Kalio* [2018] All FWLR (Pt 920) 17 and *Abdullahi v Adetutu* [2019] All FWLR (Pt 1005) 380, in which the later decision departed from the earlier without addressing its constitutional arguments.

²¹Awodein and Lateef (n 10), discussing *Chief Ali Maged Taan v SCOA* (2024) LPELR-80241 (SC), and contrasting this practice of implied overruling with the more disciplined approach required of United States courts under *Rodriguez de Quijas v Shearson/American Express Inc* 490 US 477, 484 (1989) and of English courts under the House of Lords' *Practice Statement (Judicial Precedent)* [1966] 1 WLR 1234.

— notwithstanding a subsisting order of the Court of Appeal directing the same trial judge to stay further proceedings pending the determination of a pending appeal.²² Around the same time, commentary directed at the National Judicial Council noted that parties before the courts, including the Commission itself, had continued to press differing interpretations of a Supreme Court judgment on the leadership of a major political party by focusing on isolated passages rather than the decision as a whole,²³ while a former Chief Justice of Nigeria had, in an earlier but still resonant intervention, criticised the practice by which appellate judges ‘distinguish’ inconvenient authority for the purpose of avoiding binding precedent altogether, a practice he described as ‘alarming’.²⁴ None of this is a disagreement about what the law is; it is a refusal, whether through error, expedience or defiance to apply the law as already stated by a superior court.

These three categories call for different institutional responses. Genuine horizontal conflict calls for structures that let coordinate panels notice each other before judgment, or that resolve the conflict quickly once it has occurred. Mislabelled *per incuriam* decisions call for greater internal discipline in how courts engage with contrary authority, and for counsel willing to invoke Oputa JSC's admonition rather than simply plead whichever line of authority favours their client. Non-compliance calls for enforcement and sanction, not doctrinal reform at all. Public commentary in Nigeria has tended to

²²Tochukwu Jimo Obi, 'Growing Incidence of Conflicting Court Judgements' *This Day Live* (21 June 2026) <<https://www.thisdaylive.com/2026/06/21/growing-incidence-of-conflicting-court-judgements/>> accessed 25 July 2026.

²³Obi, 'Growing Incidence of Conflicting Court Judgements' (n 24).

²⁴M. G. Murgan, G. U. Kwagyang and S. A. Bello, 'Judicial Precedent and Prevention of Contradictory Judgments: An Expository Study of Compliance with Judicial Precedent in Malaysian and Nigerian Courts' (2015) 20(11) *IOSR Journal of Humanities and Social Science* 65, 70.

treat all three as a single, generalised crisis of judicial inconsistency, which is one reason why the remedies proposed so far, calling generically for ‘more care’ or ‘a change in judicial attitude’, have been addressed to everyone and no one in particular.

4. STRUCTURAL CAUSES: WHY COORDINATE PANELS DIVERGE

Part of the explanation is structural rather than personal. The Court of Appeal does not sit as a single body: it operates through at least seventeen judicial divisions across the federation, each hearing appeals independently.²⁵ A panel in one division has no institutional mechanism for learning, before it delivers judgment, that a panel in another division is considering or has recently decided a materially similar question. Even recent commentary proposing reform of the precedent system has in effect conceded that no coordinated digital record of decisions presently exists that would allow such cross-referencing to happen as a matter of course.²⁶

The same pathology is not confined to the Court of Appeal's seventeen divisions. Because the Supreme Court itself ordinarily sits in panels of five or seven Justices rather than en banc, two panels of the apex court can reach genuinely different conclusions on the same point without either being aware of the other, as the Supreme Court examples in Part 3 illustrate. The structural cause is therefore common to both courts: multiplicity of panels sitting concurrently, without a shared, searchable record of what each panel is deciding, produces the conditions for

²⁵List of Court of Appeal and Divisions in Nigeria' (*Finelib*) <<https://www.finelib.com/judiciary/court-of-appeal-and-divisions>> accessed 25 July 2026, listing seventeen judicial divisions of the Court of Appeal across the federation.

²⁶Awodein and Lateef (n 10), proposing a digital database of Supreme Court decisions with mandatory cross-referencing as a partial remedy, on the implicit premise that no such coordinated system currently exists.

horizontal conflict wherever it exists. The Court of Appeal is simply the more exposed of the two, given the greater number of divisions through which its caseload is distributed.

A second structural gap is the absence of any settled rule requiring a panel that wishes to depart from an existing decision on the same point to do so only after reconstitution as an enlarged panel. This is a discipline recommended by recent commentary but not currently required as a matter of practice.²⁷ Without such a rule, departure carries no more procedural weight than agreement: a three-member panel can as easily create a conflict as resolve one. A third and more diffuse cause is docket pressure. A former Chief Justice's criticism of the ease with which appellate panels 'distinguish' inconvenient authority is best read not as an accusation of bad faith but as a description of what happens when a high-volume appellate court has limited time to engage deeply with a large existing body of case law before each judgment falls due.²⁸

A fourth cause is specific to time-sensitive litigation, of which election disputes are the clearest example. The suit challenging the Commission's 2027 timetable was filed on 11 March 2026; the Federal High Court voided the timetable on 20 May; the Commission's appeal was filed on 25 May; and both conflicting appellate judgments discussed in Part 1 were delivered within the same week in July.²⁹ A

²⁷Awodein and Lateef (n 10), proposing that cases raising a potential departure from existing precedent be heard by an enlarged panel, and that panels be reconstituted where significant division emerges on a precedential question.

²⁸Murgan, Kwagyang and Bello (n 26).

²⁹Two Appeal Courts Issue Conflicting Judgments (n 3). The suit challenging the Commission's timetable, filed by the Youth Party (FHC/ABJ/CS/517/2026), was filed on 11 March 2026; the Federal High Court voided the timetable on 20 May 2026; the Commission's appeal was filed on 25 May 2026; and both appellate judgments discussed in this article were delivered on 17 July 2026.

four-month window between the first filing and two final, contradictory appellate judgments leaves little room for the kind of cross-panel awareness, let alone formal reconciliation, that a less time-pressured area of law might permit. Electoral litigation is, in this sense, a stress test that exposes a structural weakness present throughout the system, but exposes it fastest.

5. WHEN IT BREAKS INTO THE OPEN: THE 2026 FLASHPOINTS

The July 2026 Court of Appeal split on INEC's timetable belongs, on the analysis in Part 3, to the first category: genuine horizontal conflict between coordinate panels, each reasoning carefully from the materials before it, produced under exactly the structural and time pressures identified in Part 4. It is the same phenomenon documented at the Supreme Court in Part 3, occurring this time at the Court of Appeal and on a matter of immediate political consequence. It is not evidence of bad faith on either panel's part, and it would not be cured by simply urging judges to be more careful. It would be cured by giving one panel a way to know what the other was doing, or by giving the system a fast route to a single, final answer once the conflict became visible.

The controversy over appeals from the Legal Practitioners Disciplinary Committee, raised by the Bar Association's President in the same May 2026 address, is different again and arguably not a species of conflicting judgment at all. The difficulty there is that lawyers sanctioned by the Committee have, on the President's account, been referred to an Appeals Committee of the Body of Benchers that Parliament has never actually constituted in law, leaving affected practitioners in what the President described as procedural 'limbo'.³⁰

³⁰Nigerian Bar Association (n 5); The Cable (n 6), reporting the NBA President's account that sanctioned lawyers had been referred to an Appeals Committee of the Body of Benchers not formally constituted in law.

That is a legislative housekeeping failure, a procedural body referenced in practice but absent from the statute book rather than a doctrinal disagreement between courts. It is worth naming as a fourth, distinct category precisely because it is so easily and so often folded into the general complaint about ‘conflicting judgments’ when the actual defect lies with the National Assembly rather than with any court.³¹

6. RECOMMENDATIONS

Because the three categories identified in Part 3, together with the fourth category identified in Part 5, have different causes, they warrant different and specifically targeted remedies rather than a single omnibus reform.

First, for genuine horizontal conflict, the Court of Appeal through practice direction or, if necessary, statutory amendment should adopt an express rule of horizontal stare decisis, under which a panel treats itself as bound by an earlier decision of the same court on the same material facts, unless that earlier decision was given *per incuriam*, has been overtaken by a later decision of the Supreme Court, or is genuinely distinguishable on its facts. This discipline is already recommended in substance by recent Nigerian commentary and is consistent with the general common law practice of requiring reasoned justification before departure from precedent.³²

Second, cases that a panel identifies as likely to depart from existing appellate authority, or that raise a genuine question of first impression carrying foreseeable precedential weight, should be assigned to an

³¹Two Judgements, One Election (n 4).

³²Awodein and Lateef (n 10).

enlarged panel rather than the ordinary three-member bench, precisely as recent commentary has proposed.³³

Third, the National Judicial Council, or the Court of Appeal's own administration, should establish a searchable, cross-referenced digital database of appellate decisions that addresses the absence identified in Part 4, so that a panel drafting judgment on a given point can be alerted, before delivery, to a materially similar question already decided elsewhere in the system.³⁴

Fourth, counsel should be required, as a matter of practice direction, to file a short, verifiable statement identifying any existing appellate authority materially bearing on the point in issue, whether for or against their client's position, a modest procedural obligation that would substantially reduce the number of decisions reached without a controlling authority ever being drawn to the court's attention.³⁵

Fifth, for time-sensitive litigation such as election petitions specifically, the rules governing electoral and other urgent appeals should include an accelerated certification mechanism: where a panel becomes aware, before judgment, that another panel is seized of a materially similar question, either panel should be able to request expedited joinder before an enlarged panel, or early reference to the Supreme Court, rather than allowing both appeals to proceed independently to two final and possibly conflicting judgments.³⁶

³³Awodein and Lateef (n 10).

³⁴Awodein and Lateef (n 10).

³⁵Awodein and Lateef (n 10).

³⁶Two Judgements, One Election (n 4) and Two Appeal Courts Issue Conflicting Judgments (n 3).

Sixth, as regards outright non-compliance, the National Judicial Council should adopt a standing mechanism, going beyond case-by-case public commentary, to monitor and sanction trial courts that act contrary to a subsisting order of a superior court, thereby restoring the ordinary force of the hierarchy that section 287 of the Constitution already presupposes.³⁷

Seventh, and most straightforwardly, the National Assembly should close the specific statutory gap identified in Part 5 by formally constituting the Appeals Committee of the Body of Benchers, so that lawyers sanctioned by the Legal Practitioners Disciplinary Committee have an actual, functioning forum of appeal rather than a reference to a body that exists only in administrative practice.³⁸

7. CONCLUSION

This article has argued that Nigerian debate about ‘conflicting judgments’ obscures more than it reveals, because it treats three analytically distinct phenomena, genuine horizontal conflict, mislabelled *per incuriam* decisions, and outright non-compliance as a single, undifferentiated crisis of judicial inconsistency. The Court of Appeal did not fail Nigeria's electoral system in July 2026 by disagreeing with itself; it failed to have any mechanism by which two panels, reasoning honestly and independently, could avoid disagreeing with itself. That distinction matters because it points away from the exhortation that has dominated Nigerian public commentary on conflicting judgments, that judges should simply take more care and toward the more modest and more achievable claim that courts, like any other institution processing a high volume of interdependent decisions, need infrastructure.

³⁷Obi, 'Growing Incidence of Conflicting Court Judgements' (n 24).

³⁸Nigerian Bar Association (n 5); The Cable (n 6).

That infrastructure has four elements: a rule about when a prior decision binds; a database that lets a panel find that prior decision before, rather than after, judgment; an enlarged bench for the cases that matter most; and an accelerated route to a single answer when time does not allow the ordinary process to catch up with itself. None of this requires accepting that Nigerian judges are careless, or that the doctrine of precedent has failed. It requires accepting that goodwill and diligence, without infrastructure, were never going to be enough to keep seventeen divisions of the Court of Appeal, and the several panels of the Supreme Court, speaking in a single voice. The reforms proposed in Part 6 are modest, sequenced and addressed to identifiable institutions, the National Judicial Council, the Court of Appeal and the National Assembly, precisely because the problem they answer is, at bottom, an institutional one rather than a crisis of individual judicial character.