

An Eagle Eyed View of the NBA's Annual Conference

The Annual General Conference (AGC) of the Nigerian Bar Association (NBA) where lawyers, judges, academics and stakeholders in the legal profession converge to learn, exchange ideas, re-energise, reflect upon and proffer solutions to the ceaseless challenges confronting the

legal profession was held at the International Conference Centre, Abuja from August 21 to 28, 2015. This year's 55th AGC with the theme 'Lawyers and National Development' was attended by well over 10,000 delegates and I must say it was a resounding success. There were three Showcase Sessions and 39 parallel sessions on different aspects of the law and areas of national importance and interest; a truly international quality conference by any standard. The conference was declared open on 22 August by President Muhammadu Buhari, in attendance was the Vice President, Professor Yemi Osinbajo, SAN, Hon. Justice Mahmud Mohammed, the Chief Justice of Nigeria, Hon. Justice (Dr.) Willy Munyoki Mutunga Chief Justice and President of the Supreme Court of Kenya, Justices of the Supreme, Court, Court of Appeal Justices, Honourable Chief Judges and state Judges, Governors, Federal and State Parliamentarians and members of the diplomatic corps, amongst so many other distinguished guests. Having President Buhari and Vice President Osinbajo in attendance at the same event was a remarkable feat that the NBA and lawyers will celebrate for a very long time.

President Buhari in his speech acknowledged that the law, legal profession and law enforcement agencies all have pivotal responsibilities to discharge, if the change we seek is ever to materialise. He stated that 'the fight against corruption is in reality a struggle for the restoration of law and order. Corruption and impunity become widespread when disrespect for law is allowed to thrive in society. Disrespect for law also thrives when people get away with all sorts of shady deals and the court system is somehow unable to check them. Ability to manipulate and frustrate the legal system is the crowning glory of the corrupt and, as may be expected, this has left many legal practitioners and law courts tainted in an ugly way.' He further added that 'we need to make our courts functional and effective again. This means that we must have lawyers who take the ethics of the profession very seriously; lawyers who will not frustrate the course of justice, even though they defend their clients with all legitimate means and resources. Nigeria needs ethical lawyers who always keep the end of justice in mind and will never sacrifice the integrity of the legal system to cover the misdeeds of their clients, no matter how lucrative the brief may be'. The NBA no doubt has keyed into President Buhari's mantra to change Nigeria and has worked assiduously towards achieving such as shown by the quality of speakers and the well thought-out topics as the conference was not just a talk shop but a concerted effort to make a sincere change in the legal profession as a whole.

The keynote address was given by Hon. Justice (Dr.) Willy Munyoki Mutunga Chief Justice and President of the Supreme Court of Kenya who has been credited for the progressive reform of the Kenyan Judiciary. In his paper titled 'Transforming Judiciaries in Kenya: Lessons from the Kenyan Experience' was quiet brilliant. The issue of the amendment of our Constitution will need to be brought to the front burner if we really want change. He said that 'in their wisdom the Kenyan people saw the old constitution as legitimising an unacceptable and unsustainable status quo. They thus reconfigured and reconstructed the state from its former vertical, imperial, authoritative, non-accountable content under the former Constitution to a state that is accountable, horizontal, decentralised,

democratised, and responsive to the vision of the Constitution; a vision of nationhood premised on national unity and political integration, while respecting diversity; provisions on the democratisation and decentralisation of the Executive; devolution; decreeing values in the public service; giving ultimate authority to the people of Kenya

that they delegate to institutions that must serve them and not enslave them; prioritising integrity in public leadership; a modern Bill of Rights that provides for economic, social and cultural rights to reinforce the political and civil rights giving the whole gamut of human rights the power to radically mitigate the status quo and signal the creation of a human rights state and society in Kenya; mitigating the status quo in the land sector that has been the country's Achilles heel in its economic and democratic development; the strengthening of institutions; the creation of institutions that provide democratic checks and balances among others'.

The Kenyan people he said 'promulgated a Constitution that provided for the appointing of women and men of integrity by an independent and broadly representative

Judiciary and the judicial officers respectively, through the vetting of judges and magistrates who served before August 27, 2010 by a Board which had a broad criteria upon which to determine the suitability of these judicial officers; by setting up the Judiciary Fund to signal financial independence of the Judiciary; and finally by creating a new apex court, the Supreme Court that would act as the final protector and custodian of the supremacy of the Constitution. By vetting the old judicial officers and by recruiting new judicial officers in a transparent and competitive manner that called for public participation, the new Constitution created a new Judiciary. The interview for the recruitment of judges is in the open, in the full glare of the media. The Constitution required that the Kenyan Judiciary transform itself first so that it could be imbued with the ethos of the transformative constitution to lead the change and be the true engine of societal transformation. A public complaints mechanism was established, the Office of the Judiciary Ombudsperson, located in the office of the Chief Justice.' He said that they are guided by the wisdom of the Nigerian proverb from the Igbo that 'a bad habit that lasts more than a year may turn into a custom. It has restored public confidence in the Judiciary. The struggle to make the Judiciary a beacon for anti-corruption struggles in the country continues,' he added.

The conference thereafter took off with Showcase Sessions with the first on the theme of 'The Role of Law in National Development' with the keynote speech delivered by the Vice-President Professor Yemi Osinbajo, who outlined the policy thrust of the Buhari administration not only on the reform of laws necessary for economic growth, and the strengthening of the legal and institutional framework of key justice institutions but also on national development at large.

The other two showcase sessions were on 'The Contribution of Lawyers in Public Office To National Development' which had current and past governors, including Aminu Tambuwal of Sokoto, Simon Lalong of Plateau, MA Abubakar of Bauchi, and former governors Donald Duke, Liyel Imoke, Babtunde Raji Fashola, Senator Godswill Akpabio and Solomon Arese, Inspector General of Police among a host of other lawyers in public service. The final showcase session was on 'Providing Legal Support For Talent Based Industry; Special Focus On Movies, Music, Comedy and Sports.'

The 39 outstanding parallel sessions included topics on 'Anti-Corruption: Fresh Strategies, New Initiatives,' chaired by Charles Ajuyah SAN, with Chris Uche SAN, Godwin Obla SAN, Okey Igbedu, Christopher Ogundare, Ibrahim Lamorde who was represented and my goodself as speakers, 'Legal and Regulatory Framework of the Petroleum Industry in Nigeria: Review of Existing Laws and The Petroleum Industry Bill,' chaired by Ibe Kachikwu NNPC GMD; 'Sustaining the Gains of the 2015 General Elections' chaired by Prof Attahiru Jega, 'Public Perception of Lawyers: Is the Esteemed Justified' chaired by Governor Adams Oshiomole, Uplifting Ethical Standards in the Legal Profession chaired by Mrs Hairat Balogun, a life bencher who is known for her strict adherence to ethics in the profession, with Odein Ajumogobia SAN,

Yusuf Ali SAN, Fubara Anga and Alex Muoka as speakers, 'The Office of the first Lady : An Important Institution in Governance or An Additional Cost to Government' chaired by Mrs, Stella Ugboma with speakers including Nana Oye Lithur, Minister for Gender, Children & Social Protection, Ghana, Yunus Ustaz Usman SAN, Abike Dabiri former member of the House of Representatives, Onari Duke former First Lady of Cross River State and Chioma Nwigwe.

The NBA has at the end of all the deliberations issued its communiqué with specific resolutions and recommendations on each session, to highlight a few: on the showcase session on 'The Role Of Law In National Development,' the NBA has resolved to make as a cornerstone of its advocacy, transparency in the appointment of judicial officers as critical to building confidence in the judicial system, a necessary plank in national development and shall play a leading role in the fight against corruption.

On 'Anti-Corruption: Fresh Strategies, New Initiatives,' the fight against corruption being critical to national development, the NBA shall partner with government in this regard and shall work assiduously towards achieving a positive attitude against corruption amongst the Bench and Bar. Regarding 'Legal And Regulatory Framework Of The Petroleum Industry In Nigeria: Review Of Existing Laws And The Petroleum Industry Bill (PIB),' The NBA stated that critical to national development is the speedy passage of the Petroleum Industry Bill, streamlining of the new agencies created which have overlapping functions and a reduction in the overriding powers of the Minister for Petroleum. Also critical to such development is the removal of fuel subsidy as it is one of the aggravating factors in corruption in that sector apart from the potential for national development afforded if funds thus freed up are duly harnessed. On 'Ending The Scourge Of Abandoned Projects In Nigeria' mindful of the scandalous number of abandoned projects in Nigeria and of the legal impediments in our laws which facilitate such abandonment, the NBA resolves to engage with the Chief Justice of Nigeria and heads of courts towards speedy disposal of cases related to but not limited to infrastructural development in the country. The recommendation was that there should be sustained continuity and consistency in laudable government policies and projects so as to forestall incidences of abandoned projects by incoming governments. On 'Access To Justice: Challenges And Opportunities For The Legal Profession' it was resolved that the NBA as a professional body shall continue to champion the co-ordination of pro bono services at all levels under the NBA Pro-bono programme. Mechanisms towards attaining a positive change of attitude by legal practitioners with respect to pro bono service shall be pursued by the NBA and in this regard, legal practitioners are called upon to provide ready pro bono services to the indigent. The recommendation here was for improved funding of the National Human Rights Commission and Legal Aid Council which would greatly assist access to justice and that all concerned agencies etc saddled with the responsibility of pro bono services should step up awareness campaigns with the general public. For 'Appropriate Funding Of The Judiciary: The Challenges And Associated Responsibilities' the resolution was that a national development is anchored in part upon reform in the independence of the judiciary and in this regard, elimination of external interference in the funding of the judiciary is imperative and that a) constitutional amendments to ensure holistic judiciary fiscal autonomy should be pursued with vigour and might in our legislative reform agenda; and b) the case of Chief Judges going to solicit State Governors to release funds meant for the judiciary must be made a thing of the past.

On 'A Conversation With Solomon Arase, Inspector General Of Police the NBA's recommendation was that the Nigeria Police Act needs urgent amendment to bring it into conformity with current realities of policing. That given



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the current population of the nation and the current security challenges, there is urgent need to increase the number of police personnel beyond the recruitment of 10,000 persons. The current salary and welfare provision of the Nigerian Police contradicts national development therefore urgent review of the Nigeria Police salary scale to bring it in tandem with what is paid the Nigeria Armed Force and the Nigerian Customs Service personnel has become the rational. Related to 'Uplifting Ethical Standards In The Legal Profession,' the NBA resolved as follows: observance of the rules of professional ethics shall be sacrosanct. The legal space shall be sanitised to ensure that non-lawyers do not make illegal incursions into law practice and lawyers who collude with non-professionals to undermine the profession shall be severely sanctioned. The rule of law and democratisation should be taught as a core course in all universities and undermining the rule of law by lawyers shall be a specie of professional misconduct for which a lawyer shall be sanctioned. Finally it was felt that there was need to review the Legal Education Act and the whole system of training and enrollment of lawyers. e.g instruction and training for a minimum number of ethical courses should form part of the criteria for admission into the law school and call to the Bar. Regarding 'The Role Of Banks In National Development' the recommendation was that in the light of the indispensability of land and property in the grant of mortgage facilities by banks, the Land Use Act should be reviewed and amended to make simple or completely do away with the requirement of Governor's Consent to authenticate the transfer of interest in land. Hidden and unnecessary bank charges should be abolished by the Central Bank of Nigeria. On 'Entrepreneurship And Manufacturing: Key Drivers Of Sustainable National Development' the resolution was that lawyers should support entrepreneurs by ensuring sanctity and enforceability of contract agreements. It was further recommended that government prioritise the grant of incentives by to entrepreneurs and that consistent policies be made by government on importation to support manufacturing industries. 'The Office Of The First Lady: An Important Institution In Governance Or An Additional Cost Of Governance?'. Here the NBA recommendation was that the spouse of the President of Nigeria has a role to play in national development. However, there being no constitutional recognition of that office, the First Lady is to complement the duties of the President and not embark on any parallel program already captured within various ministries. Projects of the First Lady should be funded from the private sector and not from public funds.

At the Annual General Meeting the NBA after a well organised voting process agreed to amend its Constitution. Electronic voting will henceforth be used at its elections. When all is said and done members of the legal profession and all others present at the just concluded Annual Conference of the NBA went away with the belief that the NBA under the leadership of Mr. Augustine Alegeh SAN has indeed repositioned the Association for a better and progressive future.