



NIGERIAN BAR ASSOCIATION

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COMMUNIQUE ISSUED AT THE END OF THE QUARTERLY MEETING OF THE NATIONAL EXECUTIVE COMMITTEE OF THE NIGERIAN BAR ASSOCIATION HELD ON THURSDAY 18TH DAY OF MARCH 2021

1.0 INTRODUCTION

- 1.1 The Nigerian Bar Association (NBA) held her 1st National Executive Committee (NEC) meeting of 2021 on March 18, 2021 at the Emerald Event Centre, Uyo, Akwa Ibom State.
- 1.2 Several issues came up for discussion including the decadence in the judicial system, the purported unilateral amendment of the Rules of Professional Conduct (RPC) by the Attorney-General of the Federation (the "AGF"), the wanton disregard of rule of law and human rights by different tiers of government, the state of insecurity across the country, the poor state of infrastructure in the nation, welfare of lawyers and other matters of interest to the NBA and the society.

2.0 RESOLUTIONS

At the end of extended deliberations, the NBA-NEC, among other things, resolved as follows:

Judiciary and Administration of Justice

- 2.1 NEC decries the screening process for the nomination and recommendation of judicial officers across the country and advocates for merit-driven appointment of more judicial officers to ensure competence and effective administration of justice. The NEC commends the advocacy efforts of the President in this respect and charges him to further engage the National Judicial Council (NJC) and other relevant bodies towards achieving this objective.
- 2.2 NEC further advocates for (i) more expansive court buildings and improved facilities for court users both at the federal and state levels; (ii) continuous implementation of the Covid-19 guidelines at the courts including the use of virtual hearings and technology across jurisdictions; and (iii) proper case management by judges to ensure that counsel and their clients do not spend inordinate amount of time in court especially in situations where the inadequacies can be addressed upfront. The President and the recently constituted NBA Judiciary Committee under the leadership of Dr. Babatunde Ajibade SAN were mandated to advocate for, and pay more attention to the resolution of these issues.
- 2.3 Considering the length of service, volume of work and the current retirement age of the Justices of the Supreme Court, the NBA is opposed to the ongoing attempt to increase the retirement age of Justices of the Supreme Court and NEC mandates the NBA Judiciary Committee to come up with a position paper and engage with the relevant authorities in this respect.

NATIONAL OFFICERS:

Olumide A. Akpata **President**

Joyce Oduah, **General Secretary**; John Aikpokpo Martins, **1st Vice President**; Debo Adeyemo Kazeem, **2nd Vice President**; Mercy Ijato Agada, **Treasurer**; Olakunle Edun, **Welfare Secretary**; Raphael Nnamdi Anagor, **Financial Secretary**; Dr. Rapuluchukwu Nduka, **Publicity Secretary**; Uchenna Nwadialo, **Assistant Secretary**; Ferdinand Naza, **Assistant Publicity Secretary**

- 2.4 NEC decries the situation in Gombe State where the issue of the appointment of Justice Beatrice Lazarus Iliya as substantive Chief Judge remains unresolved. NEC notes with displeasure the failure of the Gombe State Governor to comply with the provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended) (the “**1999 Constitution**”) and states that the renewal of Justice Muazu Pindiga’s tenure as the acting Chief Judge of Gombe State for the 5th time on March 4, 2021, is a total breach of section 271(5) of the 1999 Constitution and directs the President to strongly convey the position of the NBA to the Chief Justice of Nigeria and the NJC on this point.
- 2.5 NEC commends the final resolution of the constitutional crisis in Cross River State through the appointment, confirmation and swearing in of Justice Akon Ikpeme as the substantive Chief Judge of the State. However, more concerted efforts should be made towards ensuring that the issue of the non-payment of the salaries of some Magistrates in Cross River State for almost two years is resolved. In this respect, the NEC approves the plans of the NBA Public Interest Litigation Committee to commence action in courts should negotiation with Cross River State Government in this respect fail or be unduly prolonged.

Corporate Affairs Commission

- 2.6 NEC is deeply disturbed about the widespread reports of epileptic service delivery by the Corporate Affairs Commission (**CAC**) which has had significant adverse effect on the fortunes and professional reputation of legal practitioners who represent a considerable majority of the users of the CAC’s services. NEC further ratifies the recently released position of the NBA through the NBA President (the “**President**”) over the recent directive credited to the Registrar-General of the CAC requesting accredited CAC agents, including lawyers, to revalidate their status upon payment of a fee, failing which the defaulting agents may be unable to access the CAC’s Portal. NEC directs the President to continue engaging with the Registrar-General of the CAC towards a resolution of this matter and more importantly an appreciable improvement in the service levels at the CAC.

State of the Nation

- 2.7 NBA condemns in the strongest terms possible the worsening security situation in the Nigeria including the unabating insurgency, incessant abductions, kidnappings and attacks on communities and individuals. NEC calls upon governments at all levels and their agencies to take more proactive steps towards stemming this tide and to live up to their responsibility of safeguarding the lives and properties of Nigerians and people living in Nigeria.
- 2.8 NEC expresses great concern and worry over the decaying state of infrastructure in most parts of the country. NEC calls on the government to urgently take the necessary steps to improve on the nation’s infrastructure.

Adoption of Reports

- 2.9 The reports of the National Officers, Sections and Fora which were extensively discussed at the meeting and were adopted for implementation by NEC. However, the recommendation contained in the report of the 1st Vice President, John Aikpokpo-Martins, to the effect that Ms. Faith Anokwuru, (the Treasurer of NBA Okehi Branch

who has consistently refused to perform her official duties of signing cheques for projects approved by the branch) be suspended immediately, and that she be referred to the Disciplinary Committee for gross misconduct should be put on hold. NEC instead mandated the General Secretary to issue a 7 days' notice to the said Treasurer within which to sign the cheques and failing which the recommendations in the 1st Vice-President's report should be implemented.

- 2.10 That the final report of the NBA Electoral Reform and Audit Committee, as presented to NEC by the Chairman of the Committee, Mr. Ayo Akintunde SAN, be adopted and that the recommendations contained therein be carefully considered for implementation by the NBA.

Appointments

- 2.11 That NEC authorizes, ratifies, and approves the following:
- (a) the appointments made by the President into various Standing and Ad-Hoc Committees of the NBA (the membership and details of which are at the National Secretariat and on the NBA website), all of which are intended to decentralize functions and effectively delegate roles in order to fully implement the programmes of the NBA and enable the NBA to achieve its objectives;
 - (b) the re-constitution by the President of the Governing Board of the Institute of Continuing Legal Education (the membership and details of which are at the National Secretariat and on the NBA website) in order to enable the NBA to refocus on capacity building and professional development of its members;
 - (c) the setting up of the NBA Election Monitoring Group (the membership and details of which are at the National Secretariat and on the NBA website), to effectively liaise and work with the Independent National Electoral Commission to monitor both national and state elections across the country. The President was further authorised to appoint more people into this Monitoring Group as the circumstances require;
 - (d) the establishment in due course of the Governing Board of the NBA Human Rights Institute and the NBA Rapporteur Team; and
 - (e) the appointment of Adesuwa Nwokedi of NBA Okehi Branch as a co-opted member of NEC as there exists a vacancy by reason of the fact that the name of an appointee – Okey Leo Ohagba appeared twice on the co-opted NEC members list approved at the NEC meeting of December 15, 2020.
- 2.12 That the office of the 3rd Vice President, being vacant, and the lawsuit filed by the member who contested for that office having been dispensed with by the courts, that Mr. Omubo-Frank-Briggs of NBA Port-Harcourt branch be appointed to fill the position of the 3rd Vice President of the NBA for the remainder of the term of the current administration.

Matters Affecting NBA Branches

- 2.13 That to ensure that NBA branches receive the 10% remittance of the Bar Practicing Fees in full, payment to branches by the NBA will henceforth be done in two tranches - in April and in December of each year. It was further resolved that this procedure be included in the NBA Constitution through a constitutional amendment such that payments would not be subject to the whims and caprices of the President.
- 2.14 NEC ratifies the action of the President in insisting on the deletion of the provisions in the new bill for the amendment of the Legal Practitioners Act (**LPA**) which seeks to make the General Council of the Bar a committee under the Body of Benchers and the other provisions of the bill seeking to allow the Body of Benchers take over the leadership of the NBA in the event of internal crisis.
- 2.15 On the NBA Abuja branch crisis, NEC authorizes the President to conclusively deal with the issue in the most expedient manner including a peaceful settlement (where possible), or a separation of the branch. The President was authorized to act promptly and report back to the NEC on the issue.
- 2.16 That the position of the NBA Uniform Bye-laws on the election of NEC representatives for branches is to be strictly enforced going forward. By the provision of section 9 of the Uniform Bye-Laws for Branches, only past Chairpersons and Vice-chairpersons are in the first instance eligible for election as a Branch NEC Representative. Thus, current Branch Chairmen at the time of elections are not qualified to run for office of NEC Representative for that year.

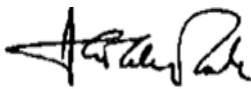
Other NBA Specific Matters

- 2.17 NEC decries reports of sexual harassment at the workplace and pledges to go the extra mile to ensure that this ugly trend ceases, or at least is curtailed to the barest minimum including through the promulgation of an Anti-Sexual Harassment Policy for the Legal Profession in Nigeria.
- 2.18 The President should make final attempts towards an amicable resolution with the AGF of the issues surrounding the purported amendment of the RPC failing which the President is authorised to commence legal action to seek redress on the unilateral amendment of the RPC by the AGF.
- 2.19 NEC resolves that to promote accountability, all members of the NBA who have been nominated to, recommended for, or appointed into boards, councils, and statutory bodies by the NBA or by virtue of their membership of the NBA should provide periodic updates and feedback to the President and NEC on their activities at such bodies and ensure that their position on issues align with those of the NBA and the best interest of the profession and the society.
- 2.20 NEC sadly notes that the issue of harassment of lawyers by security agencies in the course of carrying out their professional activities has not abated. NEC commends the President for liaising with the Branch Chairpersons and the National Human Rights Commission towards bringing perpetrators to book in a handful of instances and in

ensuring that adequate compensation is paid to the victims. NEC urges and directs the President to take more concrete steps in this respect.

2.21 NEC condemns the increasingly worrisome trend and attempts from different quarters (including by legal practitioners) to whittle down the influence of the NBA in the society and further observes with dismay the actions of some of legal practitioners who, when appointed into political offices, truncate the express provisions of the 1999 Constitution and violate the rule of law. To restore stability in this respect, the NBA will henceforth sanction members in government who use their position to work against the interest of the Bar, the 1999 Constitution, and the rule of law. The NBA will also consider the re-introduction of the “NBA Black Book” or “Book of Shame” for such erring and recalcitrant members.

DATED THIS 18TH DAY OF MARCH 2021



**OLUMIDE AKPATA
PRESIDENT**



**JOYCE ODUAH, FICMC
GENERAL SECRETARY**

