



NIGERIAN BAR ASSOCIATION

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ADDRESS BY THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION ("NBA") PAUL USORO, SAN DELIVERED AT THE NBA NATIONAL EXECUTIVE COMMITTEE ("NEC") MEETING HOLDEN AT THE NBA SECRETARIAT IN ABUJA ON 05 DECEMBER 2019

My Dear Colleagues

1. Introduction

1.1 Compliments of the Season. It gives me great pleasure to welcome you all to the 2019 Quarter 4 NEC meeting of our great Association. For those who may have missed the numbering, one of the welcome resolutions from our 2019 Annual General Meeting ("AGM") that was held on 25 August 2019 was the change of the NBA Financial Year to align with the traditional calendar year of January to December instead of August to July of the succeeding year. It is in that context that we are now holding our 2019 Quarter 4 NEC meeting, the said Quarter spanning October to December 2019.

1.2 We thank God for bringing us safely from our various destinations and we pray that He continues to envelop us in His protective arms and grant us wisdom for today's deliberations. These NEC quarterly meetings traditionally afford us the opportunity to review our scorecard and strategize for the future. Permit me therefore to highlight in this Address some of our collective milestone achievements within the months after our pre-Annual General Conference NEC meeting that was held in August 2019.

NATIONAL OFFICERS:

Paul Usoro, SAN President;

Jonathan Gunu Taidi, General Secretary; Imo Stanley Chidozie, 1st Vice President; Dr. Dada Foluke Olayemi, 2nd Vice President; Igba Theophilus, 3rd Vice President; Banke Victoria Olagbegi-Oloba, Treasurer; Anosike Elias Emeka, Financial Secretary; Eze Nnamdi Innocent, Legal Adviser; Edun Olukunle, Publicity Secretary; Usman Joshua Enemali, Welfare Secretary; Ewenode William Onoriode, 1st Assistant Secretary; Obasi Chinyere Gladys, 2nd Assistant Secretary; Pepple Iniobong Irene, Assistant Financial Secretary; Lawal Akorede Habeeb, Assistant Publicity Secretary

2. Quarterly Scorecard

2.1 AGC and AGM

2.1.1 By all accounts we had a most successful Annual General Conference this year with a record registration of over 12,000 delegates. For me, what made the Conference most unique and memorable was the richness and diversity of the program content. There was literally something for everyone and delegates were truly spoilt for choice. To cap it all, a 240-page Policy Book of the AGC is being released and launched at this NEC meeting and will be circulated to all our members shortly. The Policy Book is a compendium of all the sessions and activities of the AGC, complete with actionable plans and policy direction. I am not sure that such a comprehensive Policy Book has been published in relation to previous AGC. Indisputably, the 2019 AGC raised the bar and it is my fervent hope and desire that succeeding AGCs, starting with the 2020 AGC will match and indeed exceed the 2019 standards.

2.1.2 The 2019 AGM was the handmaiden of the 2019 AGC and what a success that AGM was! Not only did we have record attendance during the meeting, the hall remained full and packed, with members actively contributing to discourse, up till the end of the meeting. More importantly, milestone resolutions were made at the meeting. Our Constitution was amended to incorporate sustainable governance processes which, if faithfully implemented, would, amongst others, entrench accountability and transparency in the management of our finances and the conduct of our affairs generally. Six new Trustees were also appointed at the AGM, to replace our Trustees whose appointments had all expired by effluxion of time in 2016.

2.2 Incorporation and Filings at Corporate Affairs Commission (“CAC”)

2.2.1 The status of our filings at the CAC has been irregular and tardy over the years. Soon after the 2019 AGM, we filed our Annual Returns for the years 2017, 2018 and 2019 together with our Audited Accounts for those years. We also made

the required statutory filings in regard to our new Trustees and the Nigerian Bar Association Constitution, 2015 (as amended) in the terms of and pursuant to the provisions of the Companies and Allied Matters Act, Cap C20, Laws of the Federation of Nigeria, 2004. Pursuant to our said filings, the NBA was issued with a new Incorporation Certificate on 20 November 2019 as an incorporated trustee with, amongst others, powers to sue and be sued in the name of its Trustees. We can now proudly state that our incorporation and filing status at the CAC are unassailable.

2.3 Life Assurance

2.3.1 At the pre-AGC NEC meeting, we committed to reactivate the NBA's Life Assurance Scheme before the end of September 2019. This, we achieved, in partnership with our insurance partners, Leadway Assurance Company Limited ("Leadway"). Perhaps, more gladdening is the fact that we have, as at date, paid death benefits to 9 (nine) beneficiaries of our deceased colleagues who passed on in 2019. Leadway, I must mention, has been most responsive and prompt in attending to our demands. They have also been very supportive, and I am glad that we have them as our partners.

2.4 Internet Connectivity

2.4.1 In November 2019, we commissioned a fast-speed Internet Access for the National Secretariat. Most of us take internet access for granted in our workplaces. Not so at the NBA National Secretariat. Sadly, the Secretariat never had Internet Access and our personnel and National Officers were forced to buy retail data for their work and seek reimbursement from the Association. That is now a thing of the past. We now have reliable and fast-speed wireless infrastructure for the 3 (three) functional floors of the Secretariat and the Auditorium coupled with a fibre optic bandwidth connection that was installed and supplied by MainOne.

2.4.2 Now, our Secretariat staff and National Officers working at the Secretariat have no excuse for not accessing and responding to their mails real-time. We also

do not need to hire third-party vendors to provide us with Internet connectivity for the purposes of our meetings at the Secretariat Auditorium such as today's NEC meeting. Our planned usage of this new-found connectivity actually extends far beyond the day-to-day and rather mundane e-mail communication; it encompasses regular research activities, continuing legal education requirements and, not least, storage and archiving requirements which would, in turn, create and enhance our institutional memory.

2.5 NBA Women's Forum and Young Lawyers' Forum

2.5.1 The Governing Council of two of our most vibrant fora were constituted within the last 2 (two) months – the NBA Women's Forum and the Young Lawyers' Forum. In constituting these Councils, we scouted for accomplished persons and promising young lawyers with a passion for service. The Governing Council of the Women's Forum has already held its inaugural meeting and, from the snippets that filter to me, they are bubbling with great ideas and plans.

2.5.2 The Governing Council of the Young Lawyers' Forum will be having their inaugural meeting on Friday, 06 December 2019, soon after our NEC meeting. I do intend to swear them in during that meeting and NEC would henceforth have the opportunity of hearing directly from them – and, of course, from the Women's Forum as well – the progress on their respective mandates. I look forward to working with the Governing Councils of these fora, and indeed, with their membership, in strengthening the bonds and mandates of our Association.

2.6 Election Monitoring

2.6.1 The NBA is fast gaining a well-earned and deserving reputation for election monitoring. Our election monitoring reports are now routinely published and used as reference materials by researchers, scholars, election petitioners, social activists and indeed the general public. None of our election monitoring reports has been challenged under this administration. It all started with our monitoring of the Osun

Governorship Election of 2018 and blossomed into the monitoring of the National Elections of 2019 and only last month, November 2019, we again showed our mastery and integrity in election monitoring during the Kogi and Bayelsa Governorship elections. The Report of our monitoring team has been in circulation within hours of the election and the contents have not been disputed by anyone. I give due credit to our monitoring teams who have consistently made us stand tall.

2.7 AfCFTA Trade Negotiations

2.7.1 The NBA is featuring very prominently in the on-going African Continental Free Trade Agreement (“AfCFTA”) market-access negotiations with emphasis on trade in services. The Nigerian Office for Trade Negotiations (“NOTN”), a Federal Government of Nigeria agency which is traditionally responsible for trade negotiations and market-access e.g. WTO and AfCFTA, is anchoring this initiative. The aspect of these negotiations and agreements that impact us as lawyers is the trade in services, a component of which is legal and consultancy services. In previous negotiations, the NBA, to the best of my knowledge, was never at all or actively involved as a body and the interest of lawyers was not properly or adequately protected. Without such protection and carefully monitored negotiations, we, as Nigerian lawyers, could easily be overrun in an increasingly globalized world with ill-defined boundaries for provision of services.

2.7.2 The good news is, the NBA is changing that narrative. For the purposes of AfCFTA, the NOTN has set up a Nigerian Coalition of Services Industry for the negotiation of trade in services and our own Seni Adio, SAN, the Chairman of our Section on Business Law, is the Co-Chairman of that Coalition. The other Co-Chairperson is another of our own, Irene Robinson-Ayanwale, a dexterous and very knowledgeable lawyer with considerable background experience working with the Nigerian Stock Exchange, whom we are certain will fly our flag even though not nominated by or representing the NBA in the Coalition. To complete the NBA’s

representation, Mfon Usoro who is internationally acknowledged and renowned as a trade law expert, represents the NBA in that Coalition. Mfon has over the years and up till date, served and still serves as a member of the IBA specialized Committee on Trade-in-services. As I speak, both Mfon and Seni are core panelists in an AfCFTA Forum that is planned and hosted by the United National Economic Commission for Africa (“UNECA”) in Lagos. We would update our members with the progress of and outcome from these AfCFTA trade negotiations even as we feel confident that Nigerian lawyers would be well represented at the negotiation table by, amongst others, the trio of Irene, Mfon and Seni.

2.8 Prudent Financial Management

2.8.1 As you would have noticed from the Management Account as at 30 September 2019 that has been circulated to NEC members and would be tabled shortly at this meeting, we closed Quarter 3 with cash balances amounting to N820,884,486.00 after paying most of our cost for the AGC. By all accounts, this was and is unprecedented, and it speaks to the governance processes – and these include but are not limited to probity, prudence, transparency, discipline and accountability – that we are entrenching in the management of the Association’s affairs and finances. I emphasize the discipline and governance processes because these are what bring about the prudence and accountability in the management of our finances the end-result of which are the unprecedented cash balances that we had as at 30 September 2019.

2.8.2 There are many lessons we must all learn from this. First, we, as the NBA, can truly set the pace and be the exemplar for our governments in the prudent management of our resources including self-sufficiency and discipline in our spending habits. The moral heft and clout that this confers on the Association is unquantifiable. Second, we can largely depend on our internally generated resources without having to go cap in hand to various Government Houses for donations and

financial supports thereby eroding, in some sense, our independence and credibility. This administration has largely survived without going a-begging at Government Houses, whether at the Federal or States levels and this has given us the leverage to speak truth to authority at any and all times. And yet, we have met and are meeting our financial obligations from the NBA's mostly internally generated funds.

2.8.3 Third, well-managed, we can have enough funds in our kitty not only to complete special projects like our NBA Secretariat but more importantly to create Foundations that would fund on a continuous basis the NBA's desirable and anchor programs such as *pro bono* services to indigent persons, mostly in criminal and human rights matters, rule of law and public interest advocacy and litigation, properly defined and transparently administered welfare programs for our lawyers, etc. I envision, for example, an NBA that would develop its Human Rights Institute ("HRI" or "Institute") to an institution with a foundation that would be fed from annual subventions from the NBA National kitty. The Institute would then anchor from such foundation, the NBA's *pro bono* and human rights activities, rule of law and public interest advocacy and litigation – similar to the funding arrangement for the now formidable and well-organized Human Rights Institute of the International Bar Association. The activities of such a well-organized and properly funded NBA HRI would bring real meaning to our claim to be the voice of the voiceless and protector and defender of the rule of law and the rights and freedom of our people.

2.8.4 I must warn however that these dreams are not realizable except we have the right leadership in place at the helm of our Association. What we consider the gains of this administration in terms of financial management and accountability could easily be frittered away and destroyed if we have the wrong leadership in place, at any time, after our tenure. Except we collectively decide to institutionalize leadership of service in our Association, our gains of today would dim and become a mirage. That was why we all resolved at the AGM to ensure that persons who are elected to

office to manage our Association as Presidents and General Secretaries are not only skilled and experienced in management and administration generally but are also demonstrably capable of providing service without consideration for material and/or pecuniary rewards. As we approach 2020 elections, these are the yardsticks we must apply in determining who we elect to run the affairs of our Association.

2.8.5 I have already heard it said by some – and most if not all of us have heard similar statements and/or sentiments – that they, those faceless and nameless persons, will soon come into office, either directly or by proxy, and would spend, or more correctly, squander all the money we have so far conserved and refused to “spend”. They actually consider us stupid for institutionalizing these governance processes that have resulted in these savings. People with such mindsets must never be allowed near any of the NBA offices. Their interest is to plunder and not build. They only know how to squander without understanding the elementary principles and essence of governance processes, financial discipline and probity. Their aim is not to serve the Association but to serve themselves and their cronies. We must not allow any such degeneration in our Association. The the power to stop such degeneration lies in our votes in next year’s National Officers’ elections.

3. Rule of Law

3.1 It has not been all glad tidings for us in the last Quarter. The Rule of Law continues to be assaulted from different fronts, notably, as it relates to the twin independence of the judiciary and the legal profession. Disobedience of court orders has attained new heights and constitutes one of the most dangerous assaults on our judiciary. The kidnap of judicial officers has crept into our worldview and lexicon – another dimension in the assault on our judiciary and judicial officers. We again call on governments at all levels to review and reinforce the security architecture around our judicial officers. Our judicial officers must not work and walk in fear of kidnappers and other criminals. The criminals that kidnapped our judges must be

brought to book. On the issue of court orders, we call on governments at all levels to set the tone in obeying court orders. Court orders must be obeyed by all, no matter how discomfiting these may be. When governments disobey court orders, they lose the moral right to enforce orders of any kind on the citizenry and that is the road that leads to perfidy and anarchy. We must retreat from that road immediately and the Federal Government of Nigeria must set the tone in that regard.

3.2 The assault on our profession continues unabated, mostly, at the instance of law enforcement agencies that should ordinarily partner with lawyers in carrying out their mandates. In the months after our AGC and our pre-AGC NEC, some of our colleagues have been assaulted by law enforcement agents and others have slept in the cells of these agencies – including the Nigeria Police Force and the Economic & Financial Crimes Commission – for no reason other than carrying out their professional duties. A notable case is a Senior Counsel who was detained and slept at the EFCC cell for days solely because his firm wrote an opinion for an organization that is in dispute with the Federal Government of Nigeria.

3.3 In my own case, evidence was adduced by the EFCC at the last hearing of my criminal trial which confirmed, in open court, what I have consistently proclaimed since the commencement of my persecution, to wit, that my travails and trials are entirely over legal fees that were legitimately earned not only by me, but by some of our colleagues whom I coordinated in the provision of the legal services. The transfers to these colleagues were openly read from my firm's account statement in open court during the last hearing and I kept wondering why I or any other lawyer should stand trial for legal fees that were legitimately earned and for services that were undeniably provided. But then, this brings to the fore and reminds all of us that we all face a real and present danger from forces that seek to humiliate us as lawyers and in the process muzzle and muffle our voices and indeed the profession. These are forces that assiduously seek to erode and destroy the independence and

character of our profession. I must continue to remind us that, we owe it to ourselves and to our profession to stand as one in denouncing these incursions. We must speak with one voice in upbraiding these despicable conducts, recognizing as we all must recognize, that the threat and danger to one is a threat and danger to all of us.

4. NBA Elections

4.1 I cannot conclude this Address without touching on next year's NBA Elections. I cannot pretend not to know that we already have the onset of NBA National Elections fever. Except I am not listening well, I have the distinct impression that the deafening fever-pitch campaign cacophony that we had at this time in 2017 is not at that crescendo this year and that is commendable. Even then, I must warn against money politics and the erosion of our core values, notably integrity and discipline, by aspiring office holders.

4.2 In particular, we must desist from polluting our young lawyers and luring them with material benefits in a corrupt *quid pro quo* arrangement. I must perhaps mention that persons who engage in such practices risk disqualification from the elections. And perhaps, I need to also warn that the whistle for electioneering is yet to be blown and, being members of a noble and disciplined profession, we all must abide by the yet-to-be-published rules for the 2020 NBA National Elections.

5. Conclusion

5.1 Was I exhaustive in listing our milestone achievements in the last quarter? Not in the least. Are we, as National Officers, now done with our developmental and reform projects for the NBA? Most definitely not. Time would not permit me to list most of the projects that are on-going or are in the pipeline but permit me to mention one or two. First, as we speak, the project to revamp our website and create a clean and reliable database of Nigerian lawyers, dead and living, is on-going. That project would be fully unveiled shortly, and it would be accessible to all of us. Second, with the complete regularization of our incorporation and CAC filing status, we are turning

attention fully to the revamping of our disciplinary processes and I am doing this in conjunction with other relevant stakeholders. We would continually update our members in this regard as we progress on that journey. Third and by God's Grace, we intend to have a 2020 AGC that shall surpass all preceding AGCs including the 2019 AGC and the planning would commence very shortly. We would also update NEC with our plans in that regard shortly.

5.2 It remains, very finally, for me to again thank all our members for the trust and confidence you have reposed in us, your National Officers, to pilot the affairs of our most noble Association since September 2018. We committed at the beginning of our tenure not to disappoint you and/or betray your trust and confidence. That pledge has been our guiding principle from Day One and we shall continue to uphold and maintain that commitment up till the end of our tenure. I wish all of us the blessings of the Season, safe trips back to our stations and a most prosperous 2020 in advance.

Paul Usoro, SAN
NBA President