



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 24TH DAY OF JUNE 2021 AT THE NBA NATIONAL SECRETARIAT, ABUJA FCT

1.0. INTRODUCTION

- 1.1. The Nigerian Bar Association (“**NBA**”) held her 2nd National Executive Committee (“**NEC**”) meeting of 2021 on 24th June 2021 at the National Secretariat of the NBA.
- 1.2. Several issues were discussed including the recently suspended industrial action by Judiciary Staff Union of Nigeria (“**JUSUN**”); the shrinking of the civic space through recent actions and policies of the Federal Government of Nigeria (**FGN**); the State of the Nation including the deteriorating state of national security; the protracted crises within the Abuja Branch of the NBA; the welfare of lawyers; scale of charges and remuneration in the legal profession; the harassment of lawyers in the course of practicing their vocation; the incursion of the legal services space by non-lawyers; and other matters of interest to the NBA, in particular, and the society at large.

2.0. RESOLUTIONS

At the end of the extended deliberations, the following resolutions, among others, were reached:

STATE OF THE NATION

Judiciary and Administration of Justice

- 2.01 NEC observes the festering situation in the Gombe State Judiciary where the State Governor, Muhammad Inuwa Yahaya, continues the elongation of the tenure of the Acting Chief Judge against the recommendation of the National Judicial Council (**NJC**) to the effect that Justice Beatrice Iliya should be appointed and sworn in as the substantive Chief Judge of the State.
- 2.02 NEC resolves that NBA must make a very strong case to the Governor of Gombe State on the unconstitutionality of his actions and of any further extension of the tenure of the Acting Chief Judge, with a demand for the Governor to desist from such constitutional breach forthwith.
- 2.03 NEC further urges the NJC to take decisive action on the flagrant flouting of its directives, else it could be viewed as being complicit in the Governor's disrespect for the rule of law.
- 2.04 NEC observes with displeasure that of the over 24 months' salary being owed some Magistrates in Cross River State, only one month's salary has been paid since the NBA's

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**

intervention. NEC resolves that the Chairman of NBA Calabar must, on behalf of NEC, further engage with the Chief Judge of Cross-River State and other stakeholders, with a view to bringing the impasse to an end.

- 2.05 NEC commends the leadership of the NBA for the various roles it played in seeing that the protracted JUSUN strike was suspended. NEC, however, urges the NBA President to ensure that the terms of the Memorandum of Action signed by JUSUN and the Nigerian Governors' Forum are respected so that the strike will not be reactivated.

Constriction of civic space

- 2.06 NEC notes with grave concern (a) recent actions and policies of the FGN that appear to constrict the civic space and limit constitutionally guaranteed rights of citizens in a democracy. In particular, NEC condemns the recent suspension of the micro blogging site, Twitter, by the FGN; and (b) the embargo placed by Nigerian Broadcasting Commission on broadcasters from using contents generated from Twitter. NEC considers both acts as veiled gagging of the media, and suppression of the civic space by the government.
- 2.07 NEC further notes that such actions by the FGN have the tendency of undermining Nigeria's democracy and investment attractiveness especially as such acts and policies may, if not challenged, be extended to other platforms and avenues that are available to citizens to express their constitutionally guaranteed rights. Accordingly, NEC supports and ratifies the decision of the NBA President to challenge the constitutionality of the said policies and actions through the NBA Public Interest Litigation Committee.
- 2.08 NEC decries the conduct of certain lawyers serving in the FGN who fail to advise the government appropriately thereby leading to policies by the government which either flout the fundamental rights of citizens or have the tendency of bringing the profession to disrepute. To this end, NEC directs the NBA President to reach out to lawyers serving in the FGN on the need to properly advise and guide the government in accordance with the dictates of the Constitution and respect for fundamental rights and freedoms.

Increasing spate of insecurity

- 2.09 NEC strongly condemns the attacks on public assets such as INEC offices, police stations and military formations by the so-called unknown gunmen; the killing of law enforcement agencies and prominent citizens such as Ahmed Gulak and Justice Stanley Nnaji (Rtd.), amongst others. NEC further condemns the reported extra-judicial killings of citizens alleged to be associated with secessionist movements and demands that the government should deploy the carrot and stick approach in tackling the resurgent secessionist agitations so as not to exacerbate the crises.
- 2.10 NEC decries the worsening security situation in the Nigeria including the unabating insurgency, incessant abductions, unending crisis between herders and farmers, kidnappings and attacks on communities and individuals, and calls upon governments at all levels to take more proactive steps towards stemming this tide.

Lawsuit challenging elongation of IGP's tenure

- 2.11 NEC rues the implications of the recent judgment of a Federal High Court which upheld the powers of the President of the Federal Republic of Nigeria to elongate the tenure of the Inspector General of Police.
- 2.12 NEC notes the pendency of the lawsuit filed by the NBA through its Public Interest Litigation Committee on the same subject matter and urges the NBA to continue to conscientiously prosecute same through all levels of court in Nigeria as such is required to set a precedent for the future conducts and decisions of public office holders in similar circumstances.

STATE OF THE BAR

Enrollment Number for New Lawyers

- 2.13 NEC expresses deep concerns over the inordinate delay in the issuance of enrolment numbers to new lawyers by the Supreme Court of Nigeria. NEC accordingly urges the NBA President to continue to constantly liaise with the Chief Registrar of the Supreme Court of Nigeria with a review to ensuring that the affected new wigs are issued their enrolment numbers.

Scale of Charges and Remuneration of Lawyers

- 2.14 NEC approves the work being done by the NBA Remuneration Committee in developing a realistic and enforceable scale of charges for lawyers and in addressing the issue of poor remuneration amongst lawyers, and directs the leadership of the various branches of the NBA with similar initiatives to work with the NBA Remuneration Committee in developing a central and robust framework that will be acceptable to lawyers.

Encroachment of Non-Lawyers into the Legal Space

- 2.15 NEC decries the continued encroachment of non-lawyers (including corporate bodies and other institutions) into areas that are considered to be the preserve of legal practitioners through the offering of legal services, in many cases with the connivance or support of some lawyers.
- 2.16 NEC also notes, with concern, the increasing trend of lawyers who offer their services in a manner that is inconsistent with the rules or practice of the legal profession.
- 2.17 NEC further directs that:
- (a) the NBA Disciplinary Committee should promptly investigate any complaints against lawyers (including in-house counsel and heads of legal departments) who undertake, advise on, participate in, or supervise the establishment or operation of schemes that purport to, or have the tendency of, unlawfully encroaching into areas of practice of lawyers or who undertake other similar acts that are inconsistent with rules and practice; and

(b) the leadership of the NBA Section on Legal Practice to take more proactive steps to address some of the known cases of infraction and possibly prompt the commencement of criminal prosecution of the offenders.

2.18 NEC notes that certain laws in Nigeria require that the services of Nigerian lawyers must be retained in relation to certain matters, and accordingly directs the NBA President to engage with the Nigerian Content Development and Monitoring Board and other relevant stakeholders with a view to ensuring that foreign and local investors retain indigenous legal practitioners and law firms for their legal services needs in the prescribed cases.

2.19 NEC charges the leadership of NBA Branches to be more pro-active and innovative in checking against sharp practices and other unethical practices by lawyers and court officials such as the use of affidavit to convey or transfer title over real property.

Harassment of Lawyers

2.20 NEC reviles the circumstances leading to the brutalization of the Chairman of the Makurdi Branch of the NBA by operatives of the Economic and Financial Crimes Commission (EFCC) on 8th June 2021.

2.21 NEC commends all the efforts taken by the NBA President thus far, in seeing that the officers involved in the act are disciplined by the EFCC, and further directs the NBA President to take the opportunity of the unfortunate Makurdi incident to finally put an end to the epidemic of brutalization and harassment of legal practitioners by law enforcement agencies in the discharge of the lawyer's professional duties.

Attitude, language, and conduct of lawyers in public

2.22 NEC observes the deplorable and heightened trend of lawyers commenting in public fora on sensitive matters which are pending before the courts, and urges all lawyers to desist from this practice. NEC further observes that intemperate language is spreading among members of the Bar, both in dealings amongst lawyers and in dealings with the Bench. NEC deprecates such behavior and urges that disciplinary action be taken against lawyers who indulge in such conducts and that reports for disciplinary action be made against members of the Bench who are also found wanting.

Annual General Conference

2.23 Taking into consideration the uncertainties, delays and other challenges occasioned by the Covid-19 pandemic and other matters, NEC ratifies the proposal of the Technical Committee on Conference Planning (TCCP) that the 2021 Annual General Conference be held in the last week of October 2021 in Port Harcourt, Rivers State.

2.24 NEC approves the proposal of the TCCP that the conference be held both physically and virtually. NEC urges NBA President and the TCCP to interface with Rivers State Government and other relevant authorities to ensure a Covid-19 compliant environment

for the physical conference and to ensure that the access roads to the conference location, and other necessary logistics of hosting a stress-free conference in the State are created.

- 2.25 NEC further adopts the proposal of the TCCP that the 2019 conference registration fees be retained for the 2021 conference notwithstanding inflation and increased costs of goods and services.

Reports of Standing and Ad-Hoc Committees

- 2.26 NEC approves the interim report of the following Standing and Ad-hoc Committees: (i) Constitution Review Committee; (ii) Welfare Committee; (iii) Human Rights Committee; (iv) Digital Committee; (v) Legal Education Committee and (vi) Remuneration Committee.
- 2.27 NEC ratifies the appointment of six (6) Zonal Coordinators for the NBA Human Rights Committee which is aimed at ensuring easier coordination and facilitating the achievement of the mandate of the Committee.

NBA Abuja Branch Crisis

- 2.28 NBA President informs NEC that pursuant to the mandate given to him at the NEC meeting held in Uyo on the 18th of March 2021 to conclusively deal with the crisis in NBA Abuja Branch in the most expedient manner, he has decided to take the option of splitting the branch and will proceed to implement immediately and report back to NEC upon completion.

OTHER MATTERS

Resuscitation of Military and Paramilitary Fora

- 2.29 NEC resolves that the forum for lawyers in the armed forces and paramilitary should be resuscitated to reignite the interest of such members and to drive the discussions on issues affecting the Bar and the military and paramilitary agencies. NEC further mandates the NBA President set up the Governing Council of the fora for approval by NEC.

Establishment of New Fora

- 2.30 NEC approves the establishment of three new fora namely: (i) the Corporate Counsel Forum; (ii) the Law Officers Forum; and (iii) the Lawyers with Disability Forum, each to deal with issues concerning, and cater to the peculiar interests of, members who fall within these special interest groups and to engender diversity and inclusion in the affairs of the NBA. NEC further approves the membership of the Governing Council of the new fora as announced by the NBA President.

Young Lawyers Permanent Observers at NEC

- 2.31 In order to further engender inclusion, NEC approves that the appointment of 10 young lawyers as announced by the NBA President as Permanent Observers at all NEC meetings during the term of the current administration of the NBA, pending such time that the NBA Constitution is amended to allow for young lawyers to be appointed into NEC as members.

Ratifications

- 2.32 NEC ratifies: (a) the participation of lawyers in the National Health Insurance Scheme (NHIS) and approves the partnership between the NBA and NHIS which will see lawyers and members of their families enjoy primary, secondary and tertiary health services at a deeply discounted rate of N15,000 per annum. NEC further ratifies that in order to test-run the scheme, NBA should pay the health cover premium for 1,000 eligible lawyers selected from across all branches of the NBA; and (b) the setting up of an NBA Help Desk within the CAC to address the service level issues being faced by lawyers pending such time that the current challenges at the CAC are holistically or satisfactorily dealt with.

Further information

Further information on the above resolutions, including details of other matters discussed, and resolutions passed, at the said NEC meeting can be found in the minutes of the NEC meeting which will be circulated to NEC members, a copy of which will be available for inspection at the NBA Secretariat from 1st July 2021.

Dated this 25th day June 2021



OLUMIDE AKPATA
NBA PRESIDENT



JOYCE ODUAH
GENERAL SECRETARY



