

ADDRESS BY THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION, ABUBAKAR BALARABE MAHMOUD, OON, SAN, FCIarb (UK), TO THE NIGERIAN BAR ASSOCIATION, NATIONAL EXECUTIVE COMMITTEE MEETING OF MARCH 1st, 2018 AT KWARA STATE

PROTOCOL

Your Excellency, the Governor of Kwara State, Alhaji Abdulfatah Ahmed, The Honourable Chief Judge of Kwara State, Honourable Justice Suleiman Kawu The Honourable Attorney General and Commissioner of Justice, Members of Kwara State Executive Council, National Officers of the Nigerian Bar Association, NBA, Chairman of NBA, Ilorin Branch, Senior Advocates of Nigeria, Honourable Benchers, Distinguished members of NBA-National Executive Committee, NEC, the Media, Ladies and Gentlemen.

PREFACE.

Your Excellency, My Lords, Distinguished members of NEC, it is with great pleasure that I welcome you all to this meeting of the National Executive Committee of our great association in this historic city of Ilorin. This is not the first time this city of Ilorin will be playing host to major NBA activities. This serene and peaceful city has not only hosted NEC meetings in the past, but it was also host to the NBA Annual General Conference back in 2007. It has always been a venue where major historic decisions affecting the legal profession are taken.

We are grateful to the Ilorin Branch of the NBA for offering to host this NEC. Indeed there are very many reasons why we are always delighted to be here. Ilorin is home to many eminent lawyers and jurists. It has produced many legal titans some of who are here in this Hall this morning. It is appropriate therefore that I pay tribute to some of these eminent members of the legal profession who have dominated the landscape of the Nigerian Legal profession in the last several decades. I want to salute our former Chief Justice of the Federation Hon. Justice Salihu Modibbo Alfa Belgore, Our revered Hon. Justice Mustapha Akanbi, former President of the Court of Appeal, and past chairman of the Independent Corrupt Practices Commission (ICPC), the Late Hon. Justice M.D. Belgore, the longest serving Chief Judge of the Federal High Court whose children are also eminent lawyers. I salute Alhaji A.G.F. Abdulrazak SAN past president of the Nigerian Stock Exchange and the first lawyer to attain the rank of SAN in Northern Nigeria. His Royal Highness the Emir of Ilorin, Alhaji Ibrahim Sulu Gambari, a retired Justice of the Court of Appeal. Justice Saidu Kawu retired Justice of the Supreme Court, and the father of the current Chief Judge of Kwara State,. I salute Alhaji Aliyu Salman SAN, the Doyen of the Ilorin Bar. The Ilorin Branch has also produced two past Presidents of the NBA Chief Wole Olanipekun, SAN and Chief Bayo Ojo SAN. Other legal titans of the Ilorin heritage are Asiwaju Adegboyega Solomon Awomolo, SAN, Mal Yusuf Ali SAN and the many others sitting in this hall. Such is the enviable heritage of the legal profession, which the city of Ilorin commands.

Your Excellency, I want to thank you most sincerely for your support and hospitality which has enabled us to come home to Ilorin. We have been very warmly received since we arrived yesterday. We started of course with a very delectable cocktail party at the residence of the Hon. Chief Judge and up until I retired at about 11pm last night we were being delightfully hosted from one lovely home to another of our very hospitable colleagues. I may invite others to testify as to what transpired after 11.00pm.

Your Excellency, My Lords, Distinguished ladies and gentlemen, this is the second NBA National Executive Committee meeting of this legal year, though the first this calendar year. This is in keeping with our tradition of meeting every quarter to review the affairs of our association and also to review the State of the Nation and to issue statements in furtherance of our responsibility of promoting the rule of law in our dear country.

These meetings also serve the very important avenue of renewing friendships and solidarity amongst our members. We visit each other in our homes and work places and rebuild relationships and develop new ones. The meetings of course, become more vibrant and the hospitality more generous as we approach the two year election cycle.

Your Excellencies, My lords, distinguished colleagues, before I turn to the affairs of the Nation and the Bar, let me first Congratulate His Excellency the Governor and the Government of Kwara State on the giant strides this State has been making in the last several years. Under the leadership of Governor Abdulfatah Ahmed, Kwara State has continued to record great achievements not only in the field of infrastructural development, roads, energy, water supply. We note also the improvement in human capital development and quality of governance. We want to encourage to do more. As I stated also yesterday during our brief courtesy visit, we happy with general level of improvement in the justice sector but we will like to see greater investment in judicial infrastructure and improvement in welfare of Judges, magistrates and state counsel who are the bulwark of efficient and effective administration of justice. Yesterday, you promised us that you are working towards enhanced financial autonomy for the Judiciary and also that the courts in all the judicial divisions will be upgraded. We thank you for this commitment. From your response yesterday, I was very impressed with your understanding of the centrality of justice to overall welfare of our citizens and the attainment of all tenets of democratic governance.

Your Excellency, we are aware that after your assumption of office, you initiated new projects as well as giving priority attention to the projects you inherited from your predecessor in office with a view to completing them. It is on record that you have worked hard to complete some inherited projects. The success you have recorded in office is an eloquent testimony to the power of consistency and continuity in government. We commend your approach to other incumbent and intending governors of other States and other political office holders.

I will now turn to issues relating to state of affairs in our country Nigeria and the state of the Bar.

THE STATE OF THE NATION

Your Excellency and distinguished colleagues, our country has in the last several months continued to witness modest improvements especially in the area of the economy. The National Bureau of Statistics has reported that the economy has consolidated its recovery from recession with the GDP growing by 1.92% in the fourth quarter of 2017 which pushed to an overall growth of 0.82% in 2017 as against contraction of -1.58% in 2016. Our external reserves were also reported to have grown to \$40.4 Billion in January 2018 representing a 4 year high. These developments notwithstanding, the country has continued to face significant challenges. In the areas of human security, we seem to have regrettably slid significantly backwards. In the last few months we have witnessed the terrible events in Taraba, Benue and several states that have witnessed loss of hundreds of human lives and

property arising from heightened conflict between herders and farmers that has assumed a new dangerous dimension threatening national security. To demonstrate our concern and to bring our knowledge and skills to bear in the search for solution to the herders/farmers conflict, I led the NBA on a fact finding mission to Benue State early in February. A report of that Mission will be presented in the course of today's meeting. Still on human security, in Zamfara State, we witnessed heightened banditry which is inexplicable in any modern state. Only on Feb 14 the nation was rudely awakened with the massacre of 41 persons in Birane village in Zurmi local government area representing a significant deterioration of the security situation and incessant killings in that part of the country. The Nigerian Bar Association condemns these killings very strongly and calls on the Federal Government of Nigeria to do all within its powers to address these security challenges and do more to secure lives and property in all parts of the country. We must not allow the country to creep into anarchy which will be the consequence of massive loss of confidence in the ability of the State to protect its citizens. These killings are unacceptable and must be brought to an end.

The Nigerian Bar Association has in the recent past acknowledged the progress that has been made in addressing the security situation in the North East and had commended President Muhammadu Buhari for these successes. It was therefore with shock and great sense of disappointment that we heard the tragic news of the abduction of the nearly 105 school girls of Government Girls Science Technical College, Dapchi, Yobe State. This dastardly act of kidnap by terrorists has grave impact not only on national security, but also on girl child education. I am not sure any of us here can easily relate to the security implications of such heinous crime. Simon Kolawole a veteran journalist captured the mood accurately when he wrote on back page of Sunday Thisday Newspaper of February 25, 2018 as follows: "The saddest side to the Dapchi abductions is the big blow to girl-child education. It is already a very difficult job persuading parents in the north east to allow their daughters go to school, especially after the Chibok nightmare. Now that the Nigerian State has demonstrated yet again that it cannot protect these kids despite billions of dollars spent on security, how do you persuade parents to let go of their precious jewels again? Potential doctors, nurses, accountants and beauticians will be too scared to go to school. They will end up as hawkers and child brides. I am on my knees praying that these kids will be reunited with their families as quickly as possible."

I also weighed in on the same issue of national security in my address at the Valedictory court session, delivered on February 27, 2018 in the Supreme Court in honour of Hon. Justice Clara Bata Ogunbiyi, retired justice of the Supreme Court. I had this to say: "My Lord the Chief Justice, it may not be out of place to seize this opportunity to comment on somewhat tangentially related national event. The abduction a few days ago, according to press reports, of about 105 girls at the Government Girls Secondary and Technical School Dapchi Yobe State, the same region where Hon. Justice Ogunbiyi hails from. It is indeed a matter of great tragedy that the part of the country that produced such eminent women is now perhaps one of the unsafest parts of the world for female children to attend school. Who knows how many Clara Ogunbiyis are amongst those innocent young girls now in captivity? The least that any country owes to its generation of young children is a safe place to learn. The Nigerian Bar Association therefore wishes to use this opportunity to condemn very strongly the abduction of these young girls and calls on the Federal Government of Nigeria to use all means within its powers to secure the safe return of these children to their parents and communities. We further call on the Government to as a matter of urgency review the security of all schools, especially Boarding Schools for girls in the region and if necessary,

suspend for the time being, the boarding system until the safety of all such schools can be fully guaranteed.”

These recent events in Dapchi represents perhaps one of the greatest failures of the Nigerian State. Its failure to guarantee a safe learning environment to its most vulnerable segment of the population. It is even more tragic against the backdrop of the failure to secure the release of the more 100 Chibok girls still in captivity nearly four years since their abduction. The pain and agony of these parents can only be imagined.

I want to therefore reiterate my call early on Monday that the Federal and State Governments should as a matter of urgency suspend the boarding system in the affected states of the Northeast region, especially for girls until the safety and security of the children can be guaranteed. We urge the Government to do whatever is necessary including seeking appropriate international assistance to secure the release of these girls and reunite them with their families.

STATE OF THE BAR

Your Excellency, distinguished colleagues, permit me now turn to the affairs of our great Association. I am happy to report that we have sustained our activities at a vigorous level faithfully executing our strategic plan and carrying out programs notwithstanding the enormous challenges and distractions that we have been facing.

I am happy to report that we have received the first tranche of the MacArthur Foundation grant in the sum of \$600,000 for the execution of our Criminal Justice Work. The project has thus gained momentum. We have taken the sensitization and advocacy campaign for domestication and implementation of Administration of Criminal Justice Act, 2015 to seven States namely; Akwa Ibom, Adamawa Bauchi, Ogun, Jigawa, Kano, and Kogi States. Other states that are yet to domesticate the ACJA will be covered in the course of the year as we roll out the next phase.

Your Excellency, I want to use this opportunity to call on the Kwara State Government to speed up the process of enacting the Administration of Justice Act, 2015 into a State law. This has become more imperative when one remembers that the current Speaker of Kwara State House of Assembly Dr Ali Ahmad was the Chairman House Committee on Justice in the House of Representatives, when the ACJA, 2015 was passed into law. In any event, Kwara State has given its rich legal tradition and has always been a pace setter in legal reforms. We expect that the tradition will be maintained.

In my address at our NEC last meeting at Uyo, Akwa Ibom State on 23rd November, 2017 I stated as follows:

“ . . . let me now turn briefly to the affairs of the bar. I want to report to you that we have continued to pursue vigorously our programs and projects within the context of our strategic plan. The main planks of these programs centre around regulation of the legal profession, reform of the NBA to improve its governance processes, our public interest pursuits and the promotion of the interest and welfare of our members, including especially the younger members of the bar.

Your Excellency and distinguished NEC members, review of the regulation of the legal profession is a major initiative of this administration, which is the first component of the “3Rs-P” geared towards reviewing the entire legal framework of the legal profession in Nigeria. The Regulation agenda is one of the cardinal programmes of this administration. As you are aware we set up an NBA-Legal Profession Regulation Review Committee (LPRRC) as fundamental and central to the efforts of this administration at modernizing the legal profession and equipping it to meet the challenges of the modern state and demands of a competitive economy. For Nigeria and any country to develop, it must have a strong, stable and robust, legal system. It is worthy of mention that the committee has since completed its work, presented its Committee and Sub-Committee Reports and Recommendations, and also produced a complete new legal practitioners' draft bill that will replace the Legal Practitioner's Act (LPA). If we succeed in getting this passed, it will be the greatest transformation of the legal profession in Nigeria since 1900.

The Idigbe Committee Report, now at exposure stage, has been widely circulated amongst all our stakeholders. I urge all of us to as a matter of urgency submit our comments to the National Secretariat. I should emphasise that whatever is contained in the report are recommendations subject to review and final decision. As part of the process of testing and reviewing the ideas in this report, the NBA has organized, jointly with the British Nigeria Law Forum, a two day Legal Services trade Mission to the United Kingdom. The Trade Mission, which will hold from 29th November to 1st December, 2017 would comprise meetings with the main regulatory agencies of the legal profession in the United Kingdom which include: The Solicitors Regulation Authority, Bar Standard Board, the Law Society of England and Wales. There will also be meetings with members of the UK Parliament, Nigerian High Commission in London, and a symposium on Cross-Border practice between Nigeria and UK.

The aim of the Legal Services Trade Mission to the UK is to engage the main statutory bodies responsible for the regulation of the legal profession in the UK and gain insight into their work in the areas of regulatory framework, representative role, regulatory role, current legislation governing the legal profession in the UK, standard of legal and continuing legal education, standard of practice and continuing professional development in the UK. The Mission will engage the UK Parliament on crucial issues and legislations of mutual interest, and will also engage leading international lawyers and law firms in discussions on cross border partnership in the area of trainings, exchange program for young lawyers, business development and networking opportunities between Nigeria and UK “

Distinguished colleagues, I want to report that we made considerable progress in firming up the ideas around our regulatory reforms and also the governance reforms of the NBA as an organisation. Our UK Mission was highly successful. The report on that is part of documents circulated for this meeting. Let me say that our colleagues and friends around the world, whether at the International Bar Association, at the American Bar Association, the Law Society of England and Wales, the UK Bar Council or the Law Society of Australia or the South African Law Society, all of whom we have, in the course of the last several months engaged with, are all highly excited about the prospects and outcomes of reforms of the Nigerian legal profession. They are willing and happy to assist us attain our goals. Only last two weeks the Human Rights Committee of the Bar Council conducted a training in Abuja for the lawyers in the North East region on the legal protection for internally displaced persons. We also signed an MOU with the Bar Council on future trainings which they are very happy

and willing to roll out for lawyers across the country. In November last year we signed a similar MOU to expand the scope of our collaboration with the International Section of the American Bar Association.

At home here, we have continued our engagements with various stakeholders trying to explain and familiarize them with the focus and necessity for our reforms. On Monday 26th February in Abuja we convened a bar leaders consultative summit to present various reports on the architecture and goals of these reforms. The meeting was attended by three past presidents with written commentaries by two others and eight past general secretaries, our Sections and Forum leaders as well Chairmen and Secretaries of branches. All of these leaders hailed these efforts. On 22nd of March I will be making a major presentation to the Body of Benchers to discuss the major ideas of these reforms and to seek the buy-in of members of the Body. I stated at the just concluded bar leaders summit as follows;

“At some point in the history of every organization, it must face the challenge of reinventing itself or face the odious fate of decay or even extinction. I doubt there is any of us here who is satisfied with the state of the legal profession in Nigeria today. Perhaps we are at that juncture in history when we must reinvent in the legal profession”.

Distinguished colleagues, there are three broad planks of our reform efforts. These are:

i. The Regulatory Architecture and framework of the legal profession: This seeks to interrogate the regulatory objectives, the role of regulatory institutions, issues of standards, discipline, professional development and integrity of the profession generally. This is dealt with by the Legal Profession Regulation Review Committee headed by Chief Anthony Idigbe SAN.

ii. The second broad plank deals with the NBA as an organisation, for this we hired Services of KPMG Professional Services to undertake a holistic diagnostic survey of our corporate governance framework , financial management and reporting processes. That work has been completed and report circulated. KPMG will be making a presentation at this meeting.

iii. The third plank is the constitution review. This dovetails the two other planks, brings all the ideas and consolidates them into a dynamic and progressive constitutional expression which at the same times addresses extant grievances and concerns of all stakeholders. This plank is being undertaken by the Yusuf Ali Constitution Review Committee.

In the course of this meeting, reports covering these areas will be presented. We are hoping that these efforts will give birth to new and transformed Nigerian Bar Association that will be well positioned to meet the challenges of an increasingly modern and globalised legal profession. A profession that will meet the expectations of its members and stakeholders and consumers of legal services. A profession that will be respected by its local and global partners whilst remaining a potent force for national development.

Distinguished colleagues at no previous times in the recent history of our association have we devoted so much time, and energy to methodically and painstakingly prepare for the reform of our profession and our association than now. I urge us to see through these efforts and agree on an implementation road map. This will call for sacrifice at individual and collective levels. I urge us to put aside our narrow interests and concerns and put the overall

best of the profession and the national interest above anything else. On our part, that is the current leadership, we are committed to pursuing these with sincerity and dedication. We are not seeking to build any dynasty or seeking personal gains.

Distinguished colleagues, I am aware, there is frenzy of activities as we approach the next election circle and many are busy traveling across the country seeking support. I want to first remind that the ban on such activities has not been lifted. More importantly I want to appeal to the leaders of the profession to truly search their conscience as to whether our profession needs these activities. I had in the past cautioned in the following words: "I urge our colleagues not to push the NBA into a perpetual electoral machine. We are by so doing undermining the legal profession. We have become a laughing stock in the eyes of our colleagues in other countries".

We will do our best to sanitize the leadership succession system in the NBA. The leaders of the profession owe a duty to the profession and to the country to cooperate as we try bring this tragic comedy to an end. It is a matter of regret that even as we speak the dispute regarding outcome of the last election is still in court. In all our engagements and interactions, there is not one Bar Association or Law Society that I am aware of that goes through this rancorous political process in electing its leaders. Our profession deserves better, much better. We will at this meeting constitute an electoral committee. The committee will review the rules and strengthen the process and come up with a time-table. There will be no canvassing of votes until the rules are out and candidates screened and approved.

Let me conclude these part of my remarks by drawing attention to growing abuse and misuse of the social media. Admittedly this is a problem not limited to Nigeria. We were informed during the UK Mission that the Law Society of England and Wales is grappling with similar problems and has constituted a committee to come up with recommendations. I want to caution that we must discourage the use of social media to disparage our colleagues or our profession. It has come to our notice that many people including some lawyers, run platforms or handles in the name of the NBA without the authority of the NBA. This is unacceptable. Such persons must desist from this and shut those sites and remove the name of NBA. Many colleagues take to social media to make reckless accusations and allegations or disparaging comments against their colleagues or leaders of the profession. Just a couple of days ago a young lawyer went to the media to accuse me and the NBA of theft of his art work and presenting it to President Muhammadu Buhari without his knowledge or consent. This allegation was very irresponsible and exposed the association to ridicule. It is unacceptable. We will be taking appropriate disciplinary action on that. I want to plead with all leaders of the profession to moderate their conduct in this regard. Anything that is capable of exposing the profession to ridicule or disrepute must be avoided.

CONCLUSION

Your Excellency, distinguished colleagues, whilst we have made modest strides in our set goals and objectives in the last several months, we are aware much needs to be done I am confident that we are moving in the right direction. We humbly seek for your continued support and cooperation.

On behalf of the National Executive Committee of the NBA, may I express our profound appreciation once again to Your Excellency for the wonderful hospitality accorded us by the Government and the people of Kwara State since our arrival? I thank the Chief Judge and

our colleagues, the Hon. Attorney General, other senior members of the Bar for hosting us so well. May I also gain, use this opportunity to place on record our immense gratitude to members of NBA Ilorin Branch for accepting to host this august meeting of our great Association.

Thank you very much for your attention and God bless.

I wish you all fruitful deliberations.

God Bless the NBA!

God Bless the good people of Akwa Ibom State!!

God Bless the Federal Republic of Nigeria!!!