



COMMUNIQUE ISSUED BY THE NIGERIAN BAR ASSOCIATION AT THE CLOSE OF HER 63rd ANNUAL GENERAL CONFERENCE HELD FROM THE 25th OF AUGUST TO 1st OF SEPTEMBER 2023 AT THE M.K.O ABIOLA STADIUM, ABUJA

PREAMBLE

1/ The 63rd Annual General Conference with the theme *“Getting it Right; Charting the Course for the Nigeria’s Nation Building”* held at the M.K.O. Abiola Stadium, in the Federal Capital Territory, Abuja, Nigeria, from the 25th of August to 1st of September 2023.

2/ There were 16,340 (sixteen thousand three hundred and forty) registered conferees. The Conference comprised of 6 plenary sessions, 21 breakout sessions, 26 speakers, 99 panelists and 23 moderators.

3/ The Conference was declared open by His Excellency, President Bola Ahmed Tinubu, GCFR. The Keynote Speaker at the opening ceremony was Mr. Tony Elumelu, CFR, Chairman, Board of Governing Council, Tony Elumelu Foundation.

4/ The President of the NBA, Yakubu Maikyau, OON, SAN delivered the opening address.

Goodwill messages were received from:

- The President, Court of Appeal
- The Chief Judge, Federal High Court
- The Honourable Attorney- General of the Federation & Minister of Justice

5/ The Working sessions of the Conference focused on three main themes: **Economy, Administration of Justice, and Security**. After exhaustive discussions on the papers and extensive deliberations on the themes of the conference, the conference rose with the following observations and recommendations.

ECONOMY

Observations

6/ Conference observed that Nigeria’s economic potential has been constrained by many structural issues, including inadequate infrastructure, tariff and non-tariff barriers to trade, fundamental obstacles to investment, uncertain

government policies and reluctance of previous governments to take the necessary bold steps required to achieve sustained economic growth.

7/ Conference expressed disappointment over Nigeria's paradoxical situation of having natural resources that are not adequately utilised for Nigeria's industrial development, one of which is clearly seen in the energy sector. Despite substantial gas reserves the nation is still unable to explore gas to achieve adequate electricity generation.

8/ Conference recognized Nigeria's potential in terms of mineral wealth and human resources, emphasizing the enormous opportunities available. However, challenges like power shortages, oil theft, kidnapping, insecurity, and divisions among citizens have prompted the need for robust, long-term economic decisions to revive the economy.

Recommendations

9/ Conference resolved that sustained broad based economic growth and poverty reduction are critical to Nigeria's economic growth and stability.

10/ Specifically Conference called on the Federal & State Governments to refocus efforts on infrastructure development, improve power generation, improve agricultural productivity, and expand jobs in rural areas. There should also be greater attention on youth employment through education and entrepreneurship skills training.

11/ Conference issued a cautionary message, highlighting the diminishing relevance of Nigeria's current natural resources in the face of the imperative shift towards renewable energy solutions driven by climate change concerns. It stressed the urgency of embracing the new economic realities of the 21st century that will overshadow the significance of present natural resources.

12/ Beneficial policies for the revitalization of the Nigerian economy must be formulated and implemented for the sake of not just the current generation but for future generations as well. Some of these policies may have consequences that are not immediately comfortable but will be beneficial for the overall economy and in the long term. Citizens are therefore encouraged to be patient in the renewed hope for the development and growth of the economy of this great nation.

ADMINISTRATION OF JUSTICE

Observations

13/ The need to reform the justice sector has permanently been a subject of national discussion since Nigeria's return to democracy in 1999. Several high-level committees were set up by successive administrations to review specific

institutions within the justice sector. In particular, the Judiciary, Police Force and Correctional Services have at several times been subjects of multiple reviews.

14/ Many of the problems identified include poor coordination among the different actors in the sector; long delays in hearing cases; a lack of effective legal aid to help the poor to access justice; overcrowded detention facilities; critical allegations of corruption within key institutions and poor conditions of service across the sector.

15/ While the reports of these committees have largely gone unimplemented there have been many interesting and useful initiatives to improve the justice system. The enactment of the Administration of Criminal Justice Act, 2015, the Administration of Civil Justice Laws in Delta and Ekiti States. Correctional Services Act, The Police Act, the National Human Rights Commission Act, and the Legal Aid Council of Nigeria Act, are some of the important legislations in support of justice sector reform.

16/ Conference observed that inspite of these developments there are still formidable challenges ahead to achieve a justice system that works in the interest of Nigerians. Public confidence in the justice system remains at very low levels.

17/ Conference notes that every aspect of the infrastructure of our justice system requires fundamental rethinking including our approaches to policing, adjudication, bail, sentencing and imprisonment. There was also a call for adherence to judicial decisions, adoption, and integration of technological advancements for the judiciary, and fostering improved relationships between the different branches of government.

Recommendations

18/ Achieving the desired justice system will be a process, not an event. Nevertheless, change must be accelerated to keep up with the expectations of Nigerians, particularly those of the poorest and most vulnerable communities. Such change must be properly planned and carefully managed.

18/ The importance of a strong, independent judiciary was emphasized. Conference affirmed the need for an urgent upward review of judicial remuneration. Conference recommends the separation of Judicial Remuneration from public sector including the removal of the remuneration of judicial officers from the purview of the Revenue Mobilisation Allocation and Fiscal Commission {RMAFC}. Conference also recommended an independent salary

scale for judicial officers. Conference recommends that urgent attention be paid to the plight of magistrates and other lower court judges.

19/ Conference recommends that the Federal and State governments extend financial support to pro bono schemes in Nigeria to bolster their effectiveness. That there must be collaborative efforts between the Nigerian Bar Association and other relevant stakeholders to enhance the provision of pro bono services and narrowing the gap in access to justice.

SECURITY

Observations

20/ Conference analysed the critical issue of national security and its intertwined relationship with economic prosperity and effective administration of justice.

21/ Conference acknowledged the severe impact of insecurity on the nation's development and examined the various factors contributing to this challenge. Key observations included the devastating effects of terrorism, non-participation of communities in security efforts, unemployment's link to unrest, and the need for regional cooperation and intelligence sharing.

22/ The Conference recognised the detrimental role of porous borders, globalization's influence on crime dissemination, inadequate security personnel training, contentious land allocation, indiscriminate release of suspects, government's inaction against insecurity, and the presence of ungoverned spaces.

Recommendations

23/ Conference identified the need for greater investment in the Military including providing support for civil-military coordination framework as well as a comprehensive endowment framework for critical military facilities and equipment.

24/ Conference recommended practical strategies to address security concerns. These include community involvement in policing, youth engagement through job creation, enhanced regional cooperation, media sensitization, comprehensive police reforms, religious school regulation, strengthening the judiciary, and observance of human rights. The adoption of State security forces, proper land management, international resource acquisition, and meticulous implementation of approved plans were also suggested.

25/ Conference urged citizens to actively contribute to combating insecurity by being vigilant and speaking up. It called upon the legal community to explore ways of enhancing Nigeria's access to finance to support the fight against

insecurity. Overall, the Conference underscored the need for comprehensive, multi-faceted efforts to address the nation's challenges.

26/ Conference recommended legislative intervention to address gaps in the Armed Forces Act and other legal frameworks, enhancing regulations and accountability for military personnel involved in low intensity conflicts.

27/ Conference recommended that military training and operations incorporate human rights studies so that the military observes human rights principles and gain international credibility and uphold its constitutional role in safeguarding citizens.

The Role of the Legal Practitioner (Members of the NBA)

Observations

28/ The attention of conference was drawn to the immortal words of Sir Christopher Alexander Sapara Williams, who said that *“The legal practitioner lives for the direction of his people and the advancement of the cause of his country”*. Conference also noted the words of Theodore Roosevelt, who said *“Nobody cares how much you know until they know how much you care”*.

The above was what informed the medical outreach held in the sidelines of the Conference. The medical outreach which will continue until 7 September 2023, was organised in partnership with the Kebbi State Government, the Medicaid Cancer Foundation, Garki Hospital Abuja, with volunteers from the Moses Lake Medical Team (MLMT) from the United States of America and the South American Country of Chile; Doctors from the University College Hospital (UCH), Ibadan; volunteers from Nigerian Medical Association (NMA), Kebbi and other chapters from all over Nigeria; and doctors and nurses from the NYSC. The outreach has, so far, attended to the health needs of over 1,700 (One Thousand Seven Hundred) Nigerians, lawyers, and non-lawyers. About 44 surgeries have been successfully performed so far.

29/ Conference reviewed the Legal Practitioners' Remuneration (For Business, Legal Service and Representation) Order, 2023 and Rules of Professional Conduct and NBA Rules and Guidelines on Anti- Money Laundering and Counter- Terrorism Financing

30/ Conference recommended that ethical charging practices that uphold the integrity and dignity of work of legal practitioners must be followed. The NBA must prioritize comprehensive training to strike a balance between fees and client service and establish minimum fees for junior lawyers to counter undercutting and implement a robust reporting mechanism for compliance.

30/ Conference emphasised the need for advocacy, awareness campaigns, and value delivery for fees as well as educating the public on the provisions of the new Legal Practitioners Remuneration (for Business, Legal Service, and Representation) Order 2023 which provides a framework for ethical charging and transparency.

31/ Conference recommended that Legal Practitioners familiarise themselves with the Money Laundering Rules

ANNUAL GENERAL MEETING (AGM)

32/ In addition to reports from National Officers, Conference received reports of several statutory bodies. These are National Human Rights Commission, Council of Legal Education, Legal Aid Council, Law Reform Commission.

The following resolutions were reached:

Suspension of Proposed Constitutional Amendment

33/ By a majority voice vote of members present at the AGM, it was resolved that the proposed amendment of the NBA constitution 2015 (as Amended in 2021) be and is hereby rejected in its totality while the subsisting constitution be retained.

Poor Funding of Statutory Bodies

34/ AGM decried the poor funding of statutory bodies such as the National Human Rights Commission, Legal Aid Council and the Council of Legal Education and called for continuous engagements between the NBA and the office of the Attorney General of the Federation (AGF) to facilitate proper funding of statutory bodies for effectiveness and performance.

ANNUAL GENERAL CONFERENCE, 2024

35/ AGM resolved that the 2024 Annual General Conference of the Nigerian Bar Association would hold from 23rd to 30th August 2024. The venue is to be determined in due course.

CONCLUSION

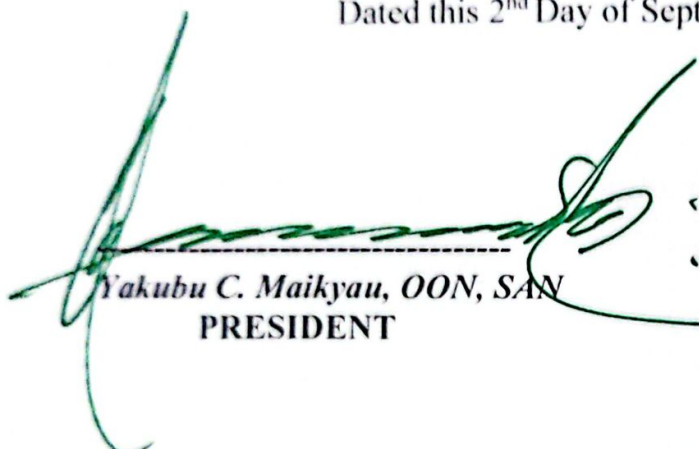
36/ The Nigerian Bar Association (NBA) and the legal profession as a whole must remain unwavering in the pursuit of justice and effective governance. As the voice of the people, the legal community holds the responsibility of ensuring equitable treatment for all, irrespective of their status. Upholding the principle of equality before the law is paramount.

37/ The NBA's influence should extend beyond the courtroom. It must actively contribute to economic growth and stability by advocating for policy adherence to the rule of law in policymaking and implementation. To bolster the economy, the legal community should focus on nurturing the judiciary and key regulatory bodies.

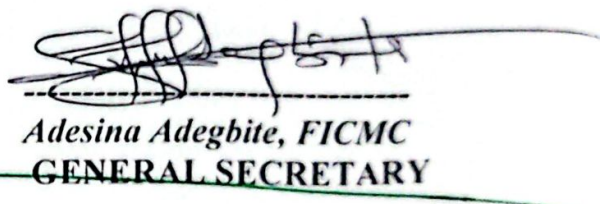
38/ The Conference emphasizes that the outcomes and recommendations from this gathering should be earnestly embraced and executed. The profession's commitment to justice must remain unswerving. By doing so, the Nigerian legal sector will stand out globally, acknowledged for its exceptional administration of justice and adherence to legal principles.

39/ These recommendations reflect the collective commitment to strengthening legal institutions and promoting justice, human rights, and professional integrity with the ultimate goal of Getting It Right.

Dated this 2nd Day of September, 2023



Yakubu C. Maikyau, OON, SAN
PRESIDENT



Adesina Adegbite, FICMC
GENERAL SECRETARY