



NIGERIAN BAR ASSOCIATION

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RESOLUTIONS OF THE NIGERIAN BAR ASSOCIATION (“NBA”) NATIONAL EXECUTIVE COMMITTEE (“NEC”) MEETING HELD AT THE AUDITORIUM, NBA NATIONAL SECRETARIAT, ABUJA ON THURSDAY, THE 20TH DAY OF JUNE 2019

- 1.1 **Whereas** the Nigerian Bar Association held its National Executive Committee meeting at the NBA Auditorium, NBA House, Abuja on Thursday, the 20th day of June 2019;
- 1.2 And **whereas** the meeting considered several issues of importance to the Association and to the Nigerian nation;
- 1.3 The meeting unanimously **RESOLVED** as follows:

STATE OF THE NATION

1. NEC adopted the Address that was presented to the meeting by the NBA President, Paul Usoro, SAN (“the President’s Address”) as its position on the State of the Nation. NEC commended the President for a most apt, concise and well-delivered Address which graphically captured the State of the Nation and directed that it be given wide publicity.
2. In adopting the President’s Address:
 - 2.1. NEC deplored the pervasive state of insecurity of lives and property in Nigeria pointing out that “no part of our country is safe” and “no one indeed is safe . . . and yet, we have governments in place, at the Federal, State and Local Government levels and the primary business of governments is the protection of lives and property”.
 - 2.2. NEC condoled with the families of the NBA members – Kennedy Ofuezuem Amin Nwashindiof Asaba Branch and Frank Promise Igwe of Port Harcourt Branch – whose lives were cut short by assassins’ bullets in the month of April 2019. Mr. Nwashindi was abducted and murdered even though ransom price was paid for his life while Mr. Igwe was shot dead by criminals on his way to Court. NEC observed a minute’s silence in honour of both gentlemen.

Paul Usoro

- 2.3. NEC called on the security agencies to secure the release of Mr. Lowuruga Obadiah Yabura, the past Chairman of NBA Wukari Branch who was kidnapped along Wukari-Takum Road in Taraba State on 02 April 2019 and has not been seen nor heard from ever since even though ransom price was paid for his life.
- 2.4. NEC further called on the security agencies to unravel, apprehend and bring to book the criminal gangs that carried out the dastardly acts against our afore-listed NBA members – Messrs Nwashindi, Igwe and Yabura.
- 2.5. NEC pointed out that “it is . . . in the interest of the government as much as it is in the interest of the governed for lives and property to be secured and safe” and “therefore demands from our governments at all levels this basic minimum of their debt to us, to wit, security of lives and property in the land”.

RULE OF LAW

3. NEC further adopted the President’s Address as its position on “the state of the Rule of Law in our land”. NEC again commended the President for a most apt, concise and well-delivered Address which graphically captured the state of the Rule of Law in Nigeria and directed that it be given wide publicity as well.
4. In adopting the President’s Address, NEC focused on two critical components of the Rule of Law, *to wit*, the independence of the judiciary and the independence of the legal profession and resolved as follows:

4.1. Independence of the Judiciary

4.1.1. NEC pointed out that:

4.1.1.1. “The independence of the judiciary” means “not only the independence of tenure and control of funds but also the latitude” for a Judge “to have an independent and uncontrolled mind to reach decisions and dispense justice fairly to all manner of men without fear or favor”;

4.1.1.2. “Our Judges are threatened, intimidated and blackmailed mostly by the executive arms of government and their agencies both at the Federal and State levels” resulting in “our Judges, from the lowest to the highest cadre, today” operating “under an oppressive and pervasive climate of fear and insecurity”; and

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- 4.1.1.3. "This state of affairs totally undermines the independence of the judiciary and the ability of the Judges to act confidently without fear or favor in dispensing justice to all manner of men".
- 4.1.2. NEC further deplored recent incidents where "it was reported, and it has not been denied that a Chief Judge was walked out of an official function at the instance of the executive arm of government" and "in another State . . . the Governor has taken it upon himself to displace a sitting Chief Judge without any input from the National Judicial Council ('NJC')".
- 4.1.3. NEC further pointed out that:
- 4.1.3.1. "There can be no independence of the Judiciary when our Judges . . .
- 4.1.3.1.1. "are intimidated, threatened and blackmailed by State agencies and their officials"; and
- 4.1.3.1.2. ". . . are actively coerced by State officials to think and reason only in the manner that those officials and, presumably, government want them to think";
- 4.1.3.2. "The robustness of the judiciary lies, not only in the soundness of its judgments but in the inherent right of judges to dissent even amongst themselves and to make independent judgments"; and
- 4.1.3.3. "If Judges can dissent amongst themselves, then it should be expected and it is a right that inheres in the office for Their Lordships to dissent from the opinions, wishes and thinking of State officials, whether at the Federal or State Governments" and "such dissent should not result in the casting of aspersions on the Judges and/or the blackmail and intimidation of the Judges".
- 4.1.4. NEC reminded "the men of power today" that they "may be the ones who most need the independence of the judiciary tomorrow when they are out of power or are competing for political power" and pointed out to them and everyone that "if you take care of the rule of law, the rule of law will take care of you".



4.1.5. NEC resolved that governments at all levels “must guarantee and we – the Bar and the Bench – must rise up to protect the independence of the judiciary and the right of our judicial officers to have independent minds in the discharge of their onerous responsibilities” pointing out that “we would, by so doing, be promoting and protecting the Rule of Law in our land”.

4.1.6. NEC further encouraged “the NJC to rise up to its statutory mandate and protect the independence of our judiciary” and assured that “the NBA stands ready to work with our Judges in that regard.”

4.2. Independence of the Legal Profession

4.2.1. NEC pointed out that:

4.2.1.1. “The independence of the legal profession is threatened when lawyers are not able to practice their trade without let or hindrance”; “when lawyers are branded as criminals merely because of their professional functions and responsibilities”; and “when lawyers are targeted as a group and stigmatized merely because of their professional duties”;

4.2.1.2. These incidents of assault on and erosion of the independence of the legal profession are “happening in our country today” and “the same climate of fear and intimidation under which our Judiciary operates, pervades the practice of law today”; and

4.2.1.3. These incidents constitute “absolute erosion of the independence of the legal profession and a destruction of the Rule of Law”.

4.2.2. NEC admonished that “it is impossible to have the Rule of Law without lawyers and an independent legal profession” and “democracy . . . cannot survive without the Rule of Law”. NEC called on governments at all levels as well as the security agencies to promote the independence of the legal profession and stop the stigmatization, intimidation and blackmail of lawyers solely on account of their professional duties.

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FINANCE ISSUES

5. NEC adopted and approved the NBA Management Account for Quarter 3 of the 2018/2019 Financial Year and applauded the transparent and financially prudent manner that the NBA President and his team wererunning the affairs of the Association.
6. NEC noted with approval the tenured fixed deposit investment with Access Bank Plc ("Access") of N550,000,000.00 (Five Hundred and Fifty Million Naira) out of the gross 2019 collections in respect of Bar Practice Fees("BPF"). The amountwas fixed at the instance of the President and his team. NEC noted that the investment was yielding the Association a 10.5% per annum interest which accrued monthly and was paid into the Association's Admin Account with Access.
7. NEC further noted with approval the NBA President's explanation that he was motivated to invest the BPF funds by the need to manage the Association's treasury in a manner that the NBA will not run out of pocket before the end of the year given the fact that the primary source of .revenue for the Association as at date remains the BPFthe bulk of which is always paid in Quarter 1 of each year.
8. NEC commended the President and the National Officers for paying 10% of the BPF to Branches and encouraged the President to also conclude the revival and reinstitution of the insurance policy scheme for members as soon as possible.
9. NEC also noted with satisfaction that the vehicle that was won by Rabiuyuba of Gombe Branch during the 2018 Annual General Conference raffle draw has now been redeemed by the current administration. The vehicle was handed over to Mr. Ayubaat the end of the NEC meeting by the President supported by senior members of the Bar who were present for the NEC meeting.

SECRETARIAT AND COMMITTEES' REPORTS

10. NEC received and noted the contents of the Secretariat and the various Committees' Reports. On the Ikorodu Court case, NEC mandated the President to act on behalf of NEC in handling the case and addressing all related matters and thereafter report to NEC.
11. NEC noted the update report of the Technical Committee on Conference Planning ("TCCP")in regard to the 2019 Annual General Conference ("AGC") and commended the President and the Committee for hearkening to the pleas of members and reducing the AGC registration fees across board. NEC however advised the President to favorably consider extending the period for early-bird registration beyond 31 June 2019.

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SPONSORSHIP OF NEC MEETING

12. NEC directed the President to, on its behalf, thank the part-sponsors of the NEC meeting. The sponsors were: Access Bank Plc who, the President reported, had pledged N10,000,000.00 (Ten Million Naira only), Dr. MuizBanire, SAN who contributed N1,000,000.00 (One Million Naira only), Mike Igbokwe, SAN, Dele Adesina, SAN, J A Badejo, SAN, NiyiAdegbonmire, SAN, Dr. Wale Olawoyin, SAN and A U Mustapha, SAN all of whom contributed N200,000.00 (Two Hundred Thousand Naira only) each thus bringing the total NEC meeting part-sponsorship to N12,200,000.00 (Twelve Million Two Hundred Thousand Naira only).

DATED THIS 20TH DAY OF JUNE 2019

Paul Usoro

**PAUL USORO, SAN
PRESIDENT**

Jonathan Gunu Taidi

**JONATHAN GUNU TAIDI, ESQ
GENERAL SECRETARY**