

NIGERIAN BAR ASSOCIATION

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COMMUNIQUE OF

THE NIGERIAN BAR ASSOCIATION 59th ANNUAL GENERAL CONFERENCE, 2019

Theme: Facing the Future

Date: Friday, 23rd – Thursday, 29th August 2019
Venue: Eko Hotel & Suites / Harbour Point, Victoria
Island, Lagos, Nigeria

1.0 Introduction

The 59th Annual General Conference (AGC) of the Nigerian Bar Association (NBA) was successfully held from Friday, 23rd to Thursday, 29th August 2019 at Eko Hotels & Suites, and Harbour Point, Victoria Island, Lagos, Nigeria. The Conference featured 42 sessions, 209 Nigerian and foreign speakers from the legal and business community, academia, legislature and the public sector, and witnessed a record attendance of over 12,000 delegates.

In attendance were the President and Commander-In-Chief of the Armed Forces, Federal Republic of Nigeria, His Excellency *Muhammadu Buhari, GCFR*, represented by the Honourable Attorney General and Minister of Justice, Federal Republic of Nigeria *Abubakar Malami, SAN*; the Chief Justice of the Federal Republic of Nigeria, Honourable Justice *Dr. Ibrahim Tanko Muhammad, CFR*; the Governor, Lagos State, His Excellency *Babajide Sanwo-Olu*, represented by the Deputy Governor of Lagos State, *Dr. Femi Hamzat*; President, International Bar Association, *Horacio Bernardes Neto*; President, the Nigerian Bar Association, *Paul Usoro, SAN*, many heads of Federal and State agencies, captains of industry; and leaders of the Bar and Bench.

The theme of the 59th AGC “**Facing the Future**”, was carefully chosen to underscore the future of the legal profession, businesses, the judiciary and Government amidst a rapidly changing world driven by fast paced technological innovations and increasing external competition in a globalised world.

The conference commenced with the Opening Ceremony, which included a Keynote Address by Horacio Bernardes Neto, the President, International Bar Association; a Special Address by the Honourable Justice Dr. Ibrahim Tanko Muhammad, CFR, the Chief Justice of the Federal Republic of Nigeria; and a declaration of the Conference opening by His Excellency Muhammadu Buhari, GCFR, the President and Commander-In-Chief of the Armed Forces, Federal Republic of Nigeria, represented by Abubakar Malami, SAN, the Honourable Attorney General and Minister of Justice, Federal Republic of Nigeria.

This was immediately followed by a most engaging opening plenary on “The Code of Conduct Tribunal: A Clash of Judicial and Executive Powers” which set the tone for the three-day working sessions of 42 sessions comprising of 4 Plenary Showcase sessions, two States’ Showcase and breakout sessions with carefully selected subject matter experts, chairmen and moderators that shared their wealth of knowledge and experience and proposed innovative solutions.

2.0 Recommendations

Acknowledging the roles of the different stakeholders in “Facing the Future” for the betterment of the legal profession, the Nigerian economy and the general public, the Conference adopted the following recommendations and decisions:

A. Government

1. The status of the Code of Conduct Tribunal has remained a gray area in Nigerian jurisprudence which has given rise to great contention. Thus, with a view to resolving this great contention, the Supreme Court is urged to avail itself any available opportunity to make an unambiguous determination on the status of the Code of Conduct Tribunal, and clarify whether it is an organ of the Executive or a quasi-judicial tribunal capable of being vested with criminal jurisdiction.

2. Judicial officers are encouraged to be independent, courageous and unbiased in the execution of their functions without regard to the appointing authority, in order to bolster and retain confidence of investors, businesses, and the public in the judiciary.
3. Recognizing infrastructure funding deficit as one of the biggest challenges to development in Nigeria, the Government should explore alternative financing structures such as Sukuk; asset securitization; land value capture; infrastructure-cum-sovereign bonds and pension assets to plug the vast financing gap, improve public financial management and resolve regulatory and institutional challenges.
4. Acknowledging the effect of a globalized business environment, the desire of Nigerian lawyers to build regional and global law firms and noting the inadequacy of the regulatory framework in Nigeria on the current and future realities of cross-border trade in legal services, the Conference resolved that the NBA should work with the Office of the Attorney General of the Federation and Solicitor General of the Federation to amend existing laws and draft new laws to introduce appropriate innovative structures and models that will advance the developmental interest of Nigerian lawyers and legal services delivery standards;
5. Noting the absence of specialized legislation to regulate the issues of security and protection of human rights in the extractive industry and the importance of the industry to the nation, Government is encouraged to adopt the Voluntary Principles on Security and Human Rights and develop a legal framework for the effective enforcement of the principles in the extractive industry. This measure will lead to the reduction of conflict in the extractive industry, increase in investment and profit, boost in government revenue and improvement of the welfare of the host communities.
6. Government should increase confidence in the domestic business environment by protecting the sanctity of contracts, streamlining the regulatory environment and effecting fraud deterrents.
7. In view of the pervasiveness of social media communication and the inadequacy of Nigeria's penal and criminal codes for the administration of justice on issues arising from social media, the Legislature should enact robust laws that will balance the rights of freedom of speech and the prosecution of crimes engendered by social media.
8. Recognizing the right of citizens to information on amount of taxes collected and usage thereof, Government is encouraged to imbue the principles of transparency and accountability to the citizens and establish audit processes to show that funds are applied judiciously.
9. Gender Based Violence (GBV) is a serious epidemic destroying many communities. Consequently, laws with severe punitive measures for sex offenders should be enacted; sensitisation awareness programmes and community dialogue on GBV should be promoted to remove the stigma around GBV. In view of the increased attack on children and minors in various incidences of violence against persons, particularly GBV, the Child's Right Act 2003 should be reviewed or amended to reflect current trends.
10. Acknowledging the commitment of Government under the Sustainable Development Goal 5 on Gender Equality and Female Empowerment, the dismal record of Nigeria on gender equality, Government is urged to entrench gender equality in the Nigerian Constitution, enact laws that will eliminate gender inequalities, strengthen and mandate institutions to implement gender mainstreaming; in addition, amendments to political party constitutions, judicial activism in the interpretation of laws and cultural norms and support of prominent male champions are required for the attainment of the Sustainable Development Goal 5.

11. Identifying the poor socio-economic situation in Nigeria as a contributory factor for the increase in kidnapping and terrorism, Government is urged to adopt policies that support socioeconomic empowerment without reference to ethnic, religious or geographical location. In addition, there should be holistic and total enforcement of the Criminal Justice Act 2015, Criminal Justice Laws of some of the States, the anti-kidnapping provisions of the Criminal Code Act and the Kidnapping Laws of some of the States, Terrorism (Prevention) Act and Fundamental Human Rights to reduce the act of kidnapping and terrorism.

B. Legal Practice and Other Stakeholders

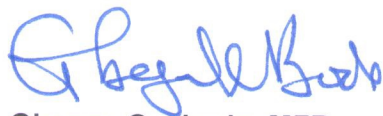
12. Realizing that the African Continental Free Trade Agreement (AfCFTA) will, upon its full implementation, impact the legal profession in the continent, it is imperative for Government trade negotiators to involve the NBA and the Office of the Attorney General of the Federation in the AfCFTA negotiations on services. Legal practitioners should study the agreement, and fully understand the opportunities it presents and be well-prepared to take full benefit of AfCFTA.
13. The prevalence of bullying and sexual harassment in the legal profession should be specifically addressed in the Rules of Professional Conduct of the legal profession, and the requirement for the signing of a code on bullying and sexual harassment by lawyers should be given serious consideration.
14. Recognizing the Rule of Law as one of the core foundational values in a democracy, predicated on an independent judiciary, independent Bar, separation of powers, and access to justice, the Rule of Law should be respected by all, realizing that citizens and government have a duty to protect, safeguard and advance the Rule of Law at all times.
15. Recognizing the role of the Bar in the implementation of the Sustainable Development Goal 5 on Gender Equality and Female Empowerment, the patriarchal language of the Bar should evolve to recognize and embrace gender diversity in the Bar and the Bench and beyond the creation of NBA Women Forum, entrench gender equality in its constitution and advocate gender equality in Government.
16. The Nigerian Bar Association (NBA) should review the Rules of Professional Conduct (RPC) for an improved and efficient disciplinary process.
17. Recognizing the regulatory gap and obsolescence of several laws governing legal practitioners and the practice of law; acknowledging the draft bills produced by the Body of Benchers and Nigerian Bar Association's Legal Profession Regulation Review Committee in this regard, the NBA will urgently set up a committee to harmonize the two draft bills and commence the legislative process for the enactment of necessary laws for improved regulation of legal profession and protection of the future of legal practice in Nigeria.
18. The NBA should set up a monitoring and review process to track the implementation of all recommendations aimed at the development of the legal practice in Nigeria and present a progress report at the next Nigeria Bar Association Annual General Conference.

3.0 Conclusion

The conference achieved the objective of speaking to the task of "Facing the Future", not just by the NBA, representing all of the legal system, but also the nation, and indeed all of the continent with new initiatives for taking our people forward.

In terms of the overarching policy objective, the message of the conference is to move from dialogue to taking positive steps to resolve current problems in a manner that

takes us into the future; and helps us achieve our true potentials through scalable and sustainable solutions that will impact the daily life of Nigerians; and through solutions anchored on the true rule of law, fair treatment of our women and youths and inclusion of all in the benefits of technological innovation and new thinking.



Gbenga Oyebode, MFR
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Association
on Conference Planning



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