



NIGERIAN BAR ASSOCIATION

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SPEECH BY THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION AT THE OPENING OF THE 2025/2026 LEGAL YEAR OF THE FEDERAL HIGH COURT AND JUDGES CONFERENCE

Protocol

1. It is with great honour and a profound sense of duty that I stand before this distinguished audience on behalf of the Nigerian Bar Association at the opening of the 2025/2026 Legal Year of the Federal High Court of Nigeria. This solemn ceremony affords us the opportunity not only to reflect on the past legal year but also to chart a deliberate course for strengthening justice delivery in the year ahead.
2. It is an honour to address this gathering as we usher in the 2025 Legal Year of the Federal High Court. This ceremony is not simply a tradition; it is an annual reaffirmation of the judiciary's solemn pact with the Nigerian people. As Justice Sandra Day O'Connor once said, "The rule of law is the foundation for all of our basic rights." This Court, with its specialised jurisdiction, carries a constitutional responsibility deeply connected to the economic, political, and social well-being of our nation. Today, therefore, presents a moment of reflection, renewal, and recommitment.
3. My Lords, the Federal High Court remains a pivotal institution within our judicial system. Its jurisdiction over matters that define Nigeria's economic, regulatory, and constitutional framework places it at the centre of national development and investor confidence. Indeed, this Court sits at the heart of Nigeria's legal infrastructure. Its jurisdiction, spanning complex commercial, maritime, administrative, and constitutional matters, demands clarity, consistency, and the highest degree of institutional integrity. Yet, recent

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patterns have created troubling perceptions that strike at the core of judicial legitimacy.

4. The Nigerian Bar Association recognises the immense pressures placed on this Court and commends Your Lordships for your resilience, dedication, and fidelity to the law in the discharge of your constitutional mandate. The Federal High Court has always been a Court of courage; a Court of constitutional guardianship and a Court whose judgments shape governance, commerce, and national stability.
5. Despite the commendable actions and decisions by the Court, some concerns need to be highlighted. One of the deeply distressing frustrations endured daily by litigants, lawyers, and ordinary citizens is the unpredictability of court sittings. Every day, Nigerians rise before dawn, navigate long distances, brave insecurity on the highways, spend scarce resources on transportation, and appear in Court with the hope that their matter will finally move forward, only to be met with the disheartening announcement that “the Court is not sitting”, “your case will not go on, so take a date”, or even waiting for hours only for one’s matter to be adjourned off record. For many, this means wasted time, wasted resources, renewed anxiety about the progress of their case or loss of confidence in the ability of the court to deliver timely justice. More critically, this experience chips away public faith in the judicial system. Justice that is unpredictable in its administration risks becoming inaccessible in its outcome. The constitutional guarantee of fair hearing within a reasonable time, enshrined in the 1999 Constitution, cannot be achieved where litigants repeatedly encounter avoidable, unexplained disruptions.
6. Case scheduling, use of alternative dispute resolution and appointment of the right caliber of persons as judges will go a long way in curing this anomaly. The court must also remain vigilant against any actual or perceived political capture or manipulation; any perception that judicial processes are shaped by partisanship undermines the very foundation of the rule of law. Our ethical standards must be unwavering, so that both judges and lawyers

uphold the dignity of the profession and preserve the sanctity of justice. Above all, the judiciary must be supported with the infrastructure it deserves, modern courtrooms, secure facilities, and functional headquarters such as the much-awaited Federal High Court building in Lagos, which are indispensable to delivering justice with dignity and efficiency. Only through this collective recommitment can we reassure Nigerians that the judiciary remains the last and most reliable refuge of fairness, courage, and constitutional fidelity. Justice Roscoe Pound warned that “the law must be stable, yet it cannot stand still.” Let this legal year mark a decisive march forward.

7. Efficiency, My Lords, is not an administrative luxury; it is a constitutional imperative and a moral obligation. As the late Hon. Justice Niki Tobi wisely warned, “Delay is an enemy of justice and a reproach to the judicial process.” A justice system that is slow, uncertain, or erratic in its sittings invariably denies justice even when it eventually decides correctly. Court schedules must therefore reflect the seriousness of the judicial mission. The time has come for a more structured and technologically supported system of scheduling, one that includes publicly available court calendars, reliable digital notifications, and real-time updates through court websites and registry communication channels. The registry must be empowered and held accountable to provide timely and accurate information to lawyers and litigants.
8. Disciplined adjournment practices and fixed sitting hours will reinforce predictability. Courts may consider designating specific time blocks for categories of matters like applications, commercial cases, criminal matters, and election-related proceedings, to avoid congestion and ensure that litigants know precisely when their cases will be heard. When courts sit consistently and communicate clearly, they honour both the Constitution and the dignity of the people they serve. Predictability is not merely administrative efficiency; it is an essential part of justice itself.

9. My Lords, the judiciary must guard its independence with utmost vigilance, for its authority rests not on force but on public confidence in its neutrality. In recent times, we have witnessed an unsettling trend in which political actors increasingly rush internal party disagreements, nomination disputes, leadership tussles, and other intra-party governance issues to the courts as strategic weapons. These disputes, which ought to be resolved through party constitutions, internal appeal processes, and political negotiation, appear not to be brought before the Court not for genuine adjudication, but for tactical advantage or the securing of court orders or judgments to secure political advantage. This practice not only lends the judiciary to perceptions or allegations of political involvement but threatens to drag the Court into the centre of partisan storms. As the Supreme Court cautioned in *Military Governor, Lagos State v. Ojukwu* (1986) JELR 51747 (SC), the judiciary “must remain blind to political colouration and partisan calculations” if it is to preserve its moral authority.
10. The idea that political cases should not be litigated is a core tenet of the “political question” doctrine in law and the theory of political constitutionalism, which posits that certain decisions are better left to the political branches of government (legislative and executive) rather than the judiciary. In the case of *PDP v. Sylva* (2012) 13 NWLR (Pt.1316) 85, the Supreme Court, restated clearly that the right to nominate or sponsor a candidate for an elective position is a domestic right of a political party. It follows therefore that the issues of leadership and membership are internal affairs of a political party. In other words, it is not open for a Court to inquire into, the membership/leadership of a political party.
11. It is therefore our understanding from many judicial pronouncements including *Ufomba v. INEC & Ors* (2017) LPELR-42079(SC), Pp. 30-33, Paras. A-C) Per Ogunbiyi, J.S.C. that the court does not have jurisdiction to make appointments of persons to hold party offices, represent a party in elections or to determine any dispute arising from the internal affairs of a political party. However, recent pronouncement from this Court have left us

uncertain as to the current position of the law on the principle of ‘political question’. The Court must therefore continue to insist that its jurisdiction cannot be manipulated as a substitute for political will, party leadership, party discipline, or internal democracy. Not every quarrel within a political party is justiciable, and not every grievance constitutes a legal dispute. Judges must exercise prudent judicial restraint to ensure that political actors do not convert this Court into the first port of call for political strategy, rather than a forum for the resolution of genuine legal issues which the court has jurisdiction to entertain.

12. Judicial resources are too limited and judicial symbolic authority too precious to be dissipated in matters that are, at their core, political questions. The Court’s docket should not become a political theatre or a staging ground for political leadership or factional dominance. As Justice Felix Frankfurter observed, “The Court’s authority, possessed of neither the purse nor the sword, ultimately rests on sustained public confidence in its moral sanction.” To preserve this moral sanction, the Court must continue to exercise scrutiny when asked to intervene in disputes that are fundamentally political, ensuring that its jurisdiction is not invoked to cloak partisan goals in judicial garments.
13. As we begin a new legal year, it is imperative that we confront, with candour and responsibility, certain systemic challenges affecting the Federal High Court:
 - a. Case Backlog and Delays: The increasing volume and complexity of cases before the Court continue to strain judicial capacity, resulting in prolonged litigation and delayed justice.
 - b. Limited Judicial Capacity and Infrastructure: The number of Judges, courtrooms, and support staff in many divisions remains inadequate relative to caseloads, while physical and digital infrastructure require urgent upgrading. The appointment of judicial officers must therefore reflect absolute integrity, competence, and openness, so that the

public can trust that those who ascend to the Bench do so by merit alone.

- c. Inconsistent Application of Practice Directions While Practice Directions are designed to promote efficiency, inconsistent compliance and enforcement across divisions often undermine their effectiveness.
- d. Technology Gaps and Digital Divide. Despite commendable progress in virtual proceedings during the Covid-19 a seeming unwillingness persists in the use of technology in the filing and disposition of cases, there is also no electronic case management system that will allow the judges of this Court to manage cases electronically, from initial filing to final disposition. The absence of such a system designed to automate and streamline court processes, reduce paperwork, and improve efficiency is telling.
- e. Absence of electronic case assignment to judges. The Court relies on a manual case assignment which sometimes gives a perception of partiality in the assignment of cases. The Court should put in place a system that ensures that filed cases are electronically presented to the Chief Judge for assignment. When electronically assigned by the Chief Judge, these cases are transferred to the electronic docket of the designated courts for adjudication.
- f. Enforcement of Court Orders: Delays or resistance in the enforcement of judgments and orders, especially against government agencies, continue to erode public confidence in the justice system.
- g. Professional Conduct and Courtroom Culture: Instances of dilatory tactics, abuse of court processes, and lack of courtroom decorum by some counsel remain a concern and demand collective introspection.

In addressing these challenges, the Nigerian Bar Association respectfully proposes the following reforms for consideration in the new legal year:

- a. Enhanced Case Management and Specialisation: Greater use of active case management, strict adherence to timelines, and the designation

of specialised courts or judges for complex subject-matter areas such as taxation, insolvency, and intellectual property will improve efficiency and predictability. We must embrace a justice culture where timelines are not mere aspirations but obligations that guide how quickly and faithfully cases are heard and concluded. Our courts must modernise technologically, ensuring that digital filing, electronic records, and virtual hearings are not exceptions but everyday tools that promote transparency and efficiency.

- b. **Expansion of Judicial Capacity:** The appointment of additional Judges and the improvement of court infrastructure—both physical and digital—are essential to decongest dockets and enhance access to justice.
- c. **Strengthened and Uniform Practice Directions:** Practice Directions should be uniformly applied across all divisions, with consistent judicial oversight to ensure compliance and curb unnecessary adjournments.
- d. **Deepening Judicial Technology:** The expansion of e-filing, electronic service, digital recording of proceedings, and hybrid hearings should be prioritised, alongside continuous training for Judges, court staff, and counsel.
- e. **Firm Enforcement of Court Orders:** There must be zero tolerance for disobedience of court orders. Swift sanctions and institutional accountability mechanisms will reinforce the authority of the Court and the sanctity of the rule of law.
- f. **Promotion of Alternative Dispute Resolution (ADR):** The Court can further encourage ADR mechanisms—particularly in commercial and maritime disputes—to reduce caseloads and promote quicker resolution of disputes.
- g. **Ethical Re-orientation at the Bar:** The NBA commits to strengthening disciplinary mechanisms, continuous legal education, and ethical advocacy to ensure that counsel remain partners in justice, not obstacles to it.

My Lords, these reforms can only thrive within the framework of a truly independent judiciary. The NBA will continue to advocate for adequate funding, institutional autonomy, and the protection of the Federal High Court from all forms of interference.

We call on all arms of government to respect court decisions and uphold the Constitution as the supreme law of the land.

We believe firmly that sustainable reform is best achieved through collaboration among the bench, the bar and other stakeholders. We stand ready to partner with the Federal High Court in policy dialogue, capacity building, and reform implementation throughout this legal year.

May I once again seize this opportunity to reiterate respectfully, the call on the Chief Judge of the Federal High Court to help ensure that all Federal detention facilities are visited and inspected by Judges once a month, pursuant to the requisite provisions of Section 34 of the Administration of Criminal Justice Act. We also hope that the number of inmates in our Correctional Facilities, which was recently put at about 73% of the total prison population, will be greatly reduced if the abuse of the holding charge is addressed.

CONCLUSION

My Lords, I must also respectfully call attention to the yet to be commissioned Federal High Court building in Lagos. Lagos remains Nigeria's commercial capital and the busiest judicial hub of this Court. The new complex, modern, secure, and dignified, is a national asset. Its delayed commissioning unnecessarily burdens judges, lawyers, and litigants operating in outdated facilities. We respectfully urge My Lord, the Chief Judge, to look into its commissioning so that it can begin full operation.

My Lords, the Nigerian people are watching, not with cynicism alone, but with a deep and enduring hope that their courts will rise fully to the demands of

this moment. If our justice system must retain its moral authority and constitutional dignity, then the Bench and the Bar must recommit themselves to a shared vision of renewal.

As we commence the 2025/2026 Legal Year, let it be a year defined by: Courageous and independent adjudication; efficient and timely justice delivery, professional excellence at the Bar, and renewed public confidence in the courts.

On behalf of the Nigerian Bar Association, I wish the Honourable Chief Judge, My Lords, and all officers of the Federal High Court a productive, peaceful, and successful legal year.

May the Almighty God grant the Honourable Chief Judge and My Lords, long life, sound health, wisdom, strength, and courage to dispense justice aright. May He guide the Bar in the path of honour and service; and may He continue to bless and preserve the Federal Republic of Nigeria.

May justice continue to reign and may the rule of law endure. History is watching. Posterity is listening. May we all be found faithful.

Thank you and may God bless the Federal Republic of Nigeria.

Mazi Afam Osigwe, SAN

President, Nigerian Bar Association

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