



COMMUNIQUE ISSUED AT THE END OF THE MEETING OF THE NATIONAL EXECUTIVE COMMITTEE (NEC) OF THE NIGERIAN BAR ASSOCIATION (NBA) HELD ON THURSDAY 18th FEBRUARY, 2016 AT CREST HOTELS & GARDEN, JONAH JANG WAY (FORMERLY OLD AIRPORT ROAD), PLATEAU STATE

## INTRODUCTION

The Nigerian Bar Association at its National Executive Committee [NEC] Meeting held at The Crest Hotels & Garden, Jonah Jang Way (formerly old Airport Road) on Thursday 18th of February, 2016 considered several issues of urgent national importance including, but not limited to: the anti-corruption policy of the Federal Government of Nigeria; the delay in the payment of salaries and allowances of Judicial Officers and staff; misguided remarks and disparaging utterances by politicians and certain personalities against the Judiciary in order to intimidate or infuse fear; the appointment of Justices of the Supreme Court; the worsening state of the Nigerian economy; the ongoing electricity pricing controversy; the urgent need to set up the NBA Anti-money laundering and Anti-terrorism Financing Guidelines for all lawyers in Nigeria.

NEC carefully considered the said issues and resolved as follows:

## STATE OF NIGERIAN JUDICIARY

### ATTEMPTS TO INTIMIDATE OR INFUSE FEAR INTO THE JUDICIARY

NEC noted with concern the worrisome trend of disparaging the judiciary and judicial officers by the political class and other disgruntled persons in the course of the performance of their judicial duties in an attempt to malign, intimidate them and infuse fear. NEC resolved that any member of the NBA involved in such unprofessional conduct should be sanctioned. NEC restated the independence of the Judiciary and called on all the other arms of Government to ensure that the Independence of the Judiciary is maintained and observed at all times. NEC resolved that the NBA shall continue to uphold and safeguard the Integrity of the Judiciary and shall rise to the defence of the Judiciary whenever Judicial Officers are unfairly attacked by the political class and other members of the public.

DELAY BY FEDERAL AND STATE GOVERNMENTS IN PROMPTLY PAYING THE SALARIES OF JUDICIAL OFFICERS AND STAFF  
NEC noted that the Federal and some State Governments are unduly delaying the payment of the salaries and allowances of judicial officers and staff. This is a worrisome development in view of the losses suffered by the nation as a result of the last Judicial Staff Union of Nigeria [JUSUN] industrial action in 2015. NEC reiterated the need for full compliance with the provisions of the Constitution on the financial autonomy of the Judiciary in order to ensure the independence of the Judiciary and to prevent unnecessary interference in their affairs by the other arms of Government. NEC resolved that the Federal and State Governments should as a matter of urgency set up measures to tackle issues of non-payment of salaries and allowances of judicial officers and staff and to take robust steps to ensure full compliance with the constitutional provisions on judicial autonomy.

JUDGMENTS BY ELECTION PETITION TRIBUNALS AND APPELLATE PANELS  
NEC commended the judiciary for their efforts in resolving election

matters timeously. NEC noted that the judiciary applied its best efforts but conceded that certain things could have been done a lot better.

NEC noted with concern the several instances of conflicting judgments and failure to abide with laid down judicial precedents by some Tribunals and Appellate Panels. NEC also noted the role of NBA members in the Election Petitions/Appeals and the need for there to be a remarkable improvement in the professional conduct of Lawyers handling Election Petitions/Appeals.

NEC resolved that all those who were responsible for these obviously avoidable blemishes on the judiciary and the entire legal industry should be sanctioned to prevent them from causing grave harm to the fabric of the legal profession.

## THE APPOINTMENT OF JUSTICES OF THE SUPREME COURT.

NEC commended the Chief Justice of Nigeria for amending the Guidelines for the Appointment of Justices of the Supreme Court to include appointments of deserving Senior Advocates of Nigeria.

NEC noted that despite the impeccable records and deep knowledge of the law of NBA nominees, the final decision was based on number of judgments delivered when it is a known fact that lawyers do not write judgments.

NEC urged the Chief Justice of Nigeria to initiate a holistic review of the appointment guidelines to accommodate lawyers as doing so will inject new blood and improve efficiency of the Supreme Court.

## 2.0 STATE OF THE BAR

### 2.1. THE DUTY OF LAWYERS TO REPRESENT CLIENTS WITHOUT DISCRIMINATION

NEC noted with displeasure the steps taken by certain overzealous operatives of Government hiding under the guise of fighting corruption and criminality to apply unlawful techniques in harassing and intimidating lawyers in the course of their legitimate work.

NEC declared such unlawful practices by these overzealous operatives of Government as totally unacceptable and morally reprehensible.

NEC further noted that the investigation and/or prosecution of corruption cases will be a sham if the agencies involved in the investigation and prosecution enjoy the services of lawyers, but the accused persons are denied access to counsel of their choice.

NEC stated that lawyers carrying out their legitimate duties of representing their clients within the ambit of the law cannot be wrongly classified as persecuting or aiding corruption. Our law provides for the presumption of innocence until proved guilty.

NEC resolved that lawyers will continue to offer their legal services to all clients in accordance with law and in compliance with the Rules of Professional Conduct for Legal Practitioners.

## 2.2. NBA ANTI-MONEY LAUNDERING AND ANTI-TERRORISM FINANCING GUIDELINES

NEC noted that lawyers play a significant and independent role in the administration of justice as well as in ensuring lawful compliance by persons and entities involved in commercial and financial activities.

NEC resolved that in furtherance of the commitment of the NBA to effectively combat corruption, NBA shall put in place anti-money laundering and anti-terrorism financing guidelines to be observed by law firms and lawyers in Nigeria which shall be known as The NBA Anti-Money Laundering and Anti-Terrorism Financing Guidelines.

2.3. DISCIPLINE AT THE BAR  
NEC warned lawyers to desist from making disparaging comments against the Court simply because the Judgments were not in their favour. All lawyers must imbibe the practice of decorum and civility while commenting on a judicial pronouncement.

NEC restated NBAs commitment to deal with all cases of professional infractions and misconduct with dispatch.

## STATE OF THE NATION

### CORRUPTION

NEC restated the support and commitment of the NBA to the zero tolerance for Corruption policy of the Federal Government and restated NBAs undertaking to work with the FGN and all willing FGN Agencies in the battle to kill corruption before corruption kills Nigeria.

NEC also stressed that the war against corruption must be fought within the ambit of the law and rule of law must at all times be given primacy. The war against corruption can only be won within the ambit of the law.

## THE DECLINE IN THE VALUE OF THE NAIRA

NEC noted with grave concern the dire straits of the Nigerian economy with particular emphasis on the depreciation of the Naira against other international currencies thereby causing serious panic in the Nigerian Stock market.

NEC noted that the fluctuating exchange rate of the US Dollar to the Naira in an import based Country such as ours is extremely dangerous.

NEC resolved that the Federal Government should formulate policies and initiate measures to salvage the value of the Naira and to reflate

the economy to reduce the hardship currently faced by millions of Nigeria.

### 3.3 ELECTRICITY PRICING CONTROVERSY

NEC noted the current controversy on electricity pricing and the resolution of the Senate directing NERC to suspend any proposed increase in the electricity tariffs. NEC urged all concerned parties to amicably resolve the controversy in the interest of all Nigerians. The rights of electricity consumers to a fair and reasonable tariff mechanism and the rights of Investors in the Power Sector as determined by our extant laws must be protected at all times.

DATED THIS 19TH DAY OF FEBRUARY, 2016

Augustine Alegeh, SAN, FCI Arb [UK]  
President, Nigerian Bar Association