



OPENING SPEECH BY THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION, OKEY WALI, SAN AT THE NATIONAL EXECUTIVE COMMITTEE MEETING OF 6TH MARCH, 2014 AT ADO-EKITI, EKITI STATE.

PROTOCOL

Your Excellency, Governor of Ekiti State, Dr. Kayode Fayemi, the Chief Judge of Ekiti State, the Honourable Attorney General of Ekiti State and Commissioner for Justice, Judges of High Court Ekiti State, Members of the State Executive Council, National Officers of the Bar, Senior Advocates of Nigeria, Eminent Bar Leaders, Distinguished members of NBA-NEC, members of the Press, Ladies and Gentlemen.

PREFACE

Your Excellency, distinguished, noble colleagues, it gives me great pleasure to welcome you all to Ado-Ekiti for our first NBA NEC Meeting in 2014. This is not our first time of holding our NBA NEC meeting in Ekiti State. The last time we were here, we had a wonderful time, and so we trust that it shall be better this time around.

I have personal reasons to be excited about being in Ado Ekiti, having been in old Ondo State as a youth corper some 30 years ago, where I actually met my wife, a fellow youth corper. My primary posting was in Akure, but I had most of my friends in Ado, and so I spent more time here than in Akure. My other sentiment for Ado Ekiti is because it is the home town of my hero, late Col. Adekunle Fajuyi, the most courageous Nigerian that has ever lived. The only man or woman in Nigeria that gave his life in protection of his guest. This country needs to recognize and immortalize Col. Fajuyi. He is my hero, my symbol of a united Nigeria that should be honoured and immortalized.

Your Excellency, this NBA-NEC meeting is very important and unique, as it comes at a time of burning national issues.

We are in very difficult times as a nation. We are plagued by various types of crisis such as insecurity, impunity, and corruption. At a time like this, the Bar cannot but rise to speak to power and issues affecting good governance in Nigeria, no matter whose ox is gored. Sometimes we get called names, but that is not important. Our satisfaction lies in the fact that we would have discharged our duty of speaking up.

Over the years, the Bar has acquired an unimpeachable reputation as the conscience and mouth piece of Nigerian citizens on issues relating to good governance, the rule of law, independence of the Bar and the Bench, protection of Human Right and free and fair elections. We have been able to command the respect of the people because we have anchored our public statements on due process and rule of law. I believe that we can never go wrong when our public statements are firmly rooted in the twin pillars of due process and rule of law, for that is when our statements can be said to be true and in the public interest.

At various times prior to this meeting I have endeavored to condemn where condemnation was needed and I have also criticized constructively where necessary. On issues that have become subject of litigation, I have spoken advisedly with some level of caution.

In all of this, what is important is that the Bar must stand firm for the truth devoid of political leanings and colorations.

STATE OF THE NATION

A.NATIONAL SECURITY

Your Excellency, distinguished ladies and gentlemen, one of the worst tragedies plaguing our country Nigeria at the moment is the issue of National Security. The high level of insecurity in Nigeria of today is alarming. Innocent, law abiding citizens can no longer travel safe on our roads due to insurgency, kidnapping, and armed robbery. Social activities and interactions have reduced to the lowest level, for fear of bomb explosions. Even when we want to sleep, we can no longer sleep with our two eyes closed. This is the situation in which we have found ourselves. Human life no longer has meaning in our country. Every blessed day, we are inundated by news of uncountable deaths and loss of human lives and property. We have slipped into a country of unshockability to loss of human life. This is a big shame.

Over two weeks ago, the leader of the Boko Haram sect, Abubakar Shekau, released a chilling video that could easily pass as the manifesto of the violent group. In this clip, he threatened not only some political leaders, but also innocent school children in furtherance of a misguided belief that western education is evil. If there were any doubts that he meant business, such doubts were dismissed in a most bestial manner. About a week ago, there was an invasion of the Federal government College, Buni Yadi, in Yobe state, where no fewer than 50 students were murdered in cold blood, burnt and butchered alive with scores of others seriously wounded. We had promptly issued a public statement condemning this dastardly acts of gruesome murder. Nothing can be more cruel.

Your Excellency, distinguished ladies and gentlemen, may we rise to observe a minute's silence in honour of the murdered innocent children and members of the security services and other victims of terrorist activities of Boko Haram. May their souls rest in peace.

We commensurate with the families that have now been thrown into mourning and wish speedy recovery to the injured persons.

We must here condemn again in the strongest terms this act of brigandage and bestiality.

It is even more worrisome that there seems to be an emerging pattern to this growing madness targeted at schools in Yobe and Borno States. According to Actionaid Nigeria, an anti-poverty and development, international NGO, in the past 8 months, over 100 students, have been killed in different attacks on schools in those states where more than 200 schools have been destroyed. It is estimated that majority of school pupils in the two states have stopped attending classes altogether with all the attendant implications for the future of our country.

The new offensive by Boko Haram is a challenge not only to our corporate existence but indeed to the future of our country and the authorities must see it as such. Perhaps, apart from the 30-month internecine civil war, Nigeria has never been so threatened by security challenges as it is today. But nothing can be more dangerous and blood chilling than a systemic attack on innocent school children.

In July last year, following a spate of attacks on secondary schools in Yobe, Governor Ibrahim Geidam had directed that all secondary schools in the state be closed down until the new academic session last September. The murders returned barely a few weeks after the schools were re-opened.

What the foregoing suggests is that Boko Haram is already succeeding in its agenda to stop education in a section of our country by means of terror. We must not allow them to succeed. For if we did, it is from the same young men and women whom they would have stopped from going to school that they will recruit their members tomorrow. While we appreciate the efforts of security agencies and Government's efforts in containing the activities of these callous criminals, we call on the federal Government to go back to the drawing board and review the

strategy of the fight against terror. Clearly, the current strategy is not working optimally. This situation calls for new strategy and plans. And since the sanctity of life means nothing to the blood thirsty terrorists, no effort should be spared in tracking them down and bringing an end to their madness. This carnage must stop.

There was recently a new dimension to violence in our country with its intrusion to the court premises. A recent incident in point was the bomb explosion at the Ahoada High Court of Rivers State on January 6th, 2013. If such brazen acts of cowardice can be perpetuated on a hallowed citadel of justice, then no public structure is safe in Nigeria. On the date of the bombing, the NBA had in a public statement, called on security agencies to investigate and look into the attack. I can confirm that the police has contacted us in the course of their investigations. That attack validates the need to secure the premises of the hallowed courts of justice across Nigeria and the extent of seriousness with which it should be taken to avoid having a recap. It also goes to underscore now, more than ever the need for government to take the security of lives and property much more seriously, especially as we approach 2015, General Elections.

B.NATIONAL CONFERENCE

In the address of the President of the Federal Republic of Nigeria Dr. Goodluck Ebele Jonathan, GCFR, to the Nation on the occasion of our 53rd Independence and Golden Anniversary as a Republic on 1st of October, 2013, he announced that **in response to the yearnings of our people**, he had decided to take on the responsibility of decisively and genuinely exploring the option of a **National Conference**.

This year 2014 marks the centenary anniversary of the amalgamation of the Northern and Southern Protectorates, which now make up Nigeria. That was in 1914. But the question that should be agitating our minds at the moment is: **What type of political and socio-economic structure, do we have in Nigeria**

after 100 years of existence? It is significant that after 100 years of existence, Nigeria does not have a home grown peoples Constitution with a strong political structure.

The Nigerian Bar Association National Conference and Constitutional Review Committee was approved at the last NEC held in Lafia and has started work in earnest. While the committee was carrying out its work, the Federal government published a list with the composition for the National Conference and allocated one slot to the Nigerian Bar Association. This allocation of one slot elicited an immediate reaction from my humble self by a letter dated 31st January, 2014. I wrote to the Secretary to the Government of the Federation protesting the allocation of the 1 slot to the Nigerian Bar Association, I stated that in view of the fact that so many legal issues would be addressed at the National Conference, it is only fitting and proper for the umbrella association of all lawyers in Nigeria, the Nigerian Bar Association, to have more than one delegate at the National Conference. This is an area we are supposed to possess enormous expertise and will definitely add a lot of value to the process.

This is not glory seeking, this is about adding value to the process, because the good of this country, is the good of the Bar and so we are determined to give whatever is needed to make our country great. We thus implored Government to reconsider the one slot offer to the Nigerian Bar Association. I believe that this will get some attention.

C.FUNDING THE JUDICIARY

Government must recognize that the judiciary is the Third Arm of Government. Accordingly, the independence of the Judiciary must be guaranteed and secured. To secure the independence of the judiciary, government must grant to it true financial autonomy, and a full self-accounting status. The funds of the judiciary must be released to it as soon as the same is approved

in the budgets of the Federal and State governments. I hereby use this avenue to implore your Excellency, the Executive Governor of Ekiti State to please put pen to paper to ensure that a suitable law backing a self accounting judiciary is passed into law in Ekiti State, just as your sister state Bayelsa state passed such a law vide its Judiciary Financial Autonomy Law 2012. It only clearly express the provisions of the 1999 constitution of the federal republic of Nigeria.

The NBA reiterates that Government must recognize that it is only the existence of a virile, fearless and independent Judiciary that can guarantee an enduring democratic government, and the maintenance of law and order. It must be recognized that a virile judiciary in Nigeria, will provide the enabling environment for foreign investments, economic growth and social development.

D.GOOD GOVERNANCE, LAW & ORDER AND 2015 GENERAL ELECTION

The Nigerian Bar Association has always been in the vanguard for the enthronement of good governance and this can only be attained when there is free, fair, and credible elections. We appreciate the point that there cannot be credible elections without political activities, and active participation of the populace.

The challenge in the Nigerian society is the manner in which some Nigerian politicians participate in it. Nigerian politics has become tainted with thugery, violence, electoral offences, murder, wanton destruction of lives and property. In today's Nigeria, many elected public officers have taken to more politics and less governance. Provision of the dividends of good governance has taken the back seat while political activities, that invariably over heat the polity is the order of the day and this is even more regrettable when one realizes that 2015 election is not here yet. This has become worse since INEC released election guidelines.

The NBA calls on out electoral officers to be big on good governance and leadership and invest less time, energy and

resources in politics of 2015, at least until INEC officially lifts ban on campaign.

The Bar has always believed that in true democracy Your Excellency, the NBA is expected to play a very important role in the upcoming elections in Nigeria. Our main objective is to ensure that the leaders that emerge from the process are those who are fairly and freely elected by the people. In a constitutional democracy as ours, we can no longer continue to witness and condone manipulation of the electoral process by some politicians who do not wish to be bound by the mandate of the people. As a country, it has become imperative to get our electoral process right. Failure to conduct free and fair elections not only leads to bad governance, it also creates problems of legitimacy. A leader cannot be properly so called if he lacks legitimacy.

Over time, the NBA has always been in the vanguard of free and credible election in Nigeria. The Bar will not be weary of doing so.

As Nigeria prepares for another round of elections, especially with the forthcoming elections in Ekiti and Osun states, the NBA hereby calls on the appropriate authorities, especially the legislature to embark upon a speedy amendment of the constitution and the electoral act with a view to ensuring free and credible election in Nigeria.

We further call on INEC to expedite action in putting the necessary structures, policies and plans in place as part of the preparations for the 2015 elections.

Voters' education must be taken very seriously as voter apathy is one way of getting the wrong set of persons into public offices.

As we march towards 2015, the NBA will be collaborating with INEC and National Orientation Agency, in series of enlightenment campaigns. The citizenry must be aware of the power of the ballot box, and that they can make all the difference with their votes. We must stop the attitude of sitting in the comfort of our homes

on election days, only to complain later. This is the time to enter judgement on the activities and actions of politicians

E.LAWYERS AND PROFESSIONAL CONDUCT

One of the most important roles of a Bar Association is the regulation of professional conduct of its members. Clients can only have confidence in a lawyer, if the lawyer conducts himself within the rules of professional conduct of lawyers.

The Bar has watched with a high level of disgust as some of our members who are conducting cases in court, emerge from court sessions in their full regalia to start addressing media men on the issues that are still subject of litigation in courts. Sometimes, these lawyers even appear on television, with law books to address points that are still part of cases pending in court.

The NBA NEC will in course of this meeting take definite decisions on how to deal with this nuisance.

Finally, on behalf of the NBA, I thank Your Excellency for your kind support and hospitality for hosting this meeting. May God bless Ekiti State. May God bless the NBA and may God bless the Federal Republic of Nigeria.

Thank you for your attention and God bless.

Okey Wali, SAN
President, Nigerian Bar Association
6th March, 2014.