

**ELEVATING JUSTICE: LAW AND THE LEGAL PROFESSION IN
NIGERIA'S NATIONAL REBIRTH
BEING THE KEYNOTE SPEECH**

By

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"The road to national rebirth is a hard one, but there is no other."

- **Aaron David Miller**

1.0 PROTOCOL

2.0 INTRODUCTION

It is my pleasure to be a part of this auspicious event which marks the Opening Ceremony and Bar & Bench Forum Session of the 2023 Law Week of the Nigerian Bar Association, Gwagwalada Branch (The Eagle Bar). The theme is indeed spectacular; **"Elevating Justice: Law and the Legal Profession in Nigeria's National Rebirth"**.

I acknowledge and commend the efforts of the Executive Council of the Branch and the organizers of the 2023 Law Week for their dexterity in putting the event together as well as their choice of theme which I consider apt and insightful.

Undoubtedly, our dear nation, Nigeria, has suffered immeasurable setbacks. As a developing country, Nigeria is plagued by several legal, political, economic and social ills and is still grappling with various developmental challenges. Rather than sweeping these numerous problems under the carpet or vaguely wishing them away, there is an urgent need for a national rebirth, to set the nation on course to regain and eventually surpass its past glory.

In view of the fact that a democratic society like ours thrives on the rule of law, the law and legal profession would, undoubtedly, play an indispensable role in facilitating our nation's rebirth. As custodians of the law, legal practitioners and judicial officers are expected to enhance strict implementation of the rule of law, as it prevents impunity in any society, encourages societal stability and drives societal revolution. This serves to strengthen the nation's institutions and restores the nation's core values as enshrined in our Constitution, which in turn will lead to lasting emancipation from our countless societal ills. The optimum performance of the key roles of the law and the legal profession will elevate and enhance justice in our nation, thereby fostering the much-needed and long-awaited renaissance in Nigeria.

3.0 CONCEPTUALIZATION OF KEYWORDS

The term "rebirth" has been defined to mean a renaissance; a revival¹; a period of new life, growth or activity²; a change that leads to a new period of growth and improvement in something³; when something becomes alive again after dying; a

¹ 'Rebirth' (Merriam-Webster Dictionary) <<https://www.merriam-webster.com/dictionary/rebirth>> accessed 30 November 2023.

² 'Rebirth' (The Britannica Dictionary) <<https://www.britannica.com/dictionary/rebirth>> accessed 30 November 2023.

³ 'Rebirth' (Collins Dictionary) <<https://www.collinsdictionary.com/dictionary/english/rebirth>> accessed 30 November 2023.

new period of growth of something, or a time when something that was popular in the past becomes popular again.⁴

National Rebirth refers to the regeneration of a battered country to improve the standard of living of the nation. It also means the renaissance, reawakening or resurgence of a nation. The initiative of national rebirth also refers to remodelling of the state which define or redefine the driving rules and principles of political pluralism, the role of the state, citizenship rights and duties, protection of fundamental human rights, including socio-economic rights and so on. It can be seen as a change that leads to a new period of growth and improvement in a country or given society.⁵

National rebirth is a national shift or movement from the known attitude, beliefs, and feelings towards a particular issue. National rebirth can also be defined as the regeneration of a battered nation to an improved nation in all aspects. It can also mean national transformation which is viewed as a profound and radical innovation and metamorphosis that aligns an institution or state in a new direction and takes it to a completely different level of efficiency and effectiveness.⁶

4.0 THE URGENT NEED FOR NATIONAL REBIRTH AS A PANACEA FOR NIGERIA'S CURRENT PREDICAMENT

There appears to be widespread concerns that something fundamental is wrong with Nigeria as presently constituted, not only in terms of perceived political marginalisation, but also in terms of socio-economic exclusion and ensuring justice in all spheres. Few, there are, who maintain that nothing is wrong with

⁴ 'Rebirth' (Cambridge Dictionary) <<https://dictionary.cambridge.org/dictionary/english/rebirth>> accessed 30 November 2023.

⁵ Ogunlusi Clement Temitope (Phd) & Aina Oluwatobi Opeyemi, 'The Church as A Pathway to National Rebirth in Nigeria: A Reflection on Matthew 5:13' (March 2022) International Journal of Research and Innovation in Social Science (IJRISS) | Volume VI, Issue III, Page 267 <<https://www.rsisinternational.org/journals/ijriss/Digital-Library/volume-6-issue-3/266-272.pdf>> accessed 30 November 2023.

⁶ Adabembe K.O., 'Nigerian Christians and National Rebirth: Nehemiah's Response in the Bible as a Paradigm' British Journal of Multidisciplinary and Advanced Studies: Arts, Humanities and Social Sciences 3 (2), Pages 21 and 24. <file:///C:/Users/COUNSEL/Downloads/Nigerian_Christians_and_National_Rebirth_Nehemiah.pdf> accessed 1 December 2023.

Nigeria and that all that is required is attitudinal change on the part of the political leadership. For many, Nigeria simply needs a rebirth, a fundamental rebirth. While there appears to be widespread consensus about the need for a rebirth, there is a lack of consensus on the type of rebirth and the process of bringing about the desired change.⁷

Despite having the largest population in Africa, Nigeria offers limited opportunities to most of its citizens. Weak job creation and entrepreneurial prospects stifle the absorption of the 3.5 million Nigerians entering the labour force every year on the average, and many workers choose to emigrate in search of better opportunities. In most areas of Nigeria, state capacity is low, service delivery is limited, and insecurity and violence are widespread. Wide infrastructure gaps constrain access to electricity and hinder the domestic economic integration that would allow the country to leverage its large market size. Emerging problems such as the increased severity and frequency of extreme weather events, especially in the northern parts of the country, add to these long-standing developmental challenges.⁸ Furthermore, corruption and poor governance continue to tear the Nation apart, leaving the average Nigerian with nothing but poverty, anger and despair.⁹

Most Nigerians agree that Nigeria is a good and potentially great country. It is easy to examine statistics and demographics that point at the potential greatness of this state. Indeed, most regret that Nigeria is not able to achieve her fullest national stature because of the bad stroke of luck concerning leadership. It is therefore still possible to find a large horde of optimists all over the country who are incurably certain that Nigeria will still one day, and very soon, overcome her ailing debilitation to redeem her mandate to her citizens, and her responsibility to the West African region, the African continent and the global comity of nations.¹⁰

⁷ Femi Aborisade, 'Nigeria's Rebirth: National Conference or Sovereign National Conference?' (Socialist Workers League, 2 February 2011).

⁸ 'The World Bank in Nigeria' (The World Bank, 2 October 2023)

<<https://www.worldbank.org/en/country/nigeria/overview>> accessed 1 December 2023.

⁹ 'Major problems facing Nigeria today' (AfricaW) <<https://www.africaw.com/major-problems-facing-nigeria-today>> accessed 1 December 2023.

¹⁰ T. Olaopa, 'Imperatives for national rebirth in Nigeria' (*Blueprint Newspapers*, 16 March 2020) <<https://blueprint.ng/imperatives-for-national-rebirth-in-nigeria/>> accessed 1 December 2023.

There is thus, an urgent need for national rebirth as a panacea for Nigeria's current predicament. We require national transformation, profound and radical innovation and metamorphosis that will move our country in a new direction of improvement in all aspects.

5.0 THE INDISPENSABLE ROLE OF LAW AND THE LEGAL PROFESSION IN AIDING NIGERIA'S NATIONAL REBIRTH

"A lawyer lives for the direction of his people and the advancement of the cause of his country"

**- Christopher Alexander Sapara Williams (1855-1915),
First indigenous Nigerian lawyer**

The role of law in the development of human societies cannot be overemphasized. Man's journey through history, has therefore been constantly shaped by law in its various forms including customs, norms, edicts, rules, regulations, legislation and judicial precedents, such that it would have been impossible for humanity, in its various spheres of evolution, to have survived without the instrumentality of the law. Generally, social, political, environmental, economic, and foreign policies of a country will not bind elected and appointed leaders until the policies are backed by laws. Similarly, national developmental goals and policy directives, however laudable, remain mere wishes or at best some sorts of moral suasion which are non-binding on policy makers and regulators, until they have the force of law.¹¹

The legal profession in Nigeria occupies a strategic position in the society. Since independence, its services have profoundly affected and shaped the socio-economic and political system of the country by protecting the rights of individuals through established legal institutions.¹²

¹¹ 'The Place of Law In National Development' (Banwo & Ighodalo, 8 October 2015) <<https://banwo-ighodalo.com/grey-matter/the-place-of-law-in-national-development-1>> accessed 30 November 2023.

¹² Vicki Lawal, 'The Legal Profession in Nigeria and the need for skill competencies: An examination of current changes in the legal education system' <<https://irepos.unijos.edu.ng/jspui/bitstream/123456789/3411/1/20230131151359.pdf>> accessed 30 November 2023.

According to the World Bank¹³, the role of law in driving societal change manifests in diverse interrelated ways, which include:

- **The coercive power of law:** In this way, the law incentivizes behavioural change through coercion or sanctions. Perhaps, the most conventional reason that people obey the law is fear of sanctions. If people, acting according to their narrow self-interest, do not behave in a socially desirable way, sanctions can be used to induce cooperation by changing incentives. In other words, the coercive power of law shapes the options available to people by making some actions infeasible or just too costly.
- **The coordinating power of law:** In this way, the law acts as a signpost – an expression – to guide people on how to act when they have several options. People comply with the law because doing so facilitates economic and social activities.
- **The constitutive role of law:** In this role, law plays the more foundational constitutive role of defining the governance process. It is through law – generally constitutions – that states establish and confer power on state actors, defining the authority and responsibilities of different agencies and branches of government and their role in the policy-making and implementation process, as well as formal constraints on their power. This task is typically carried out by drafting provisions that set out a range of checks and balances, including the horizontal allocation and separation of powers between different branches; et cetera.

In view of the paramount position of the law and legal profession in society, the critical way in which the law and legal profession can facilitate Nigeria's renaissance is in upholding and strengthening respect for the rule of law. The role of law in driving change in society can only be fully realized when the rule of law is the bedrock on which such society stands. Without the rule of law, the foundation of any nation remains shaky.

¹³ World Development Report, 'The role of law' (World Bank Open Knowledge Repository, 2017) <<https://openknowledge.worldbank.org/server/api/core/bitstreams/b52bc50a-a10c-5f2f-9c0f-5bd5dab99f25/content>> accessed 30 November 2023.

Rule of law, the mechanism, process, institution, practice, or norm that supports the equality of all citizens before the law, secures a non-arbitrary form of government, and more generally prevents the arbitrary use of power. In general, the rule of law implies that the creation of laws, their enforcement, and the relationships among legal rules are themselves legally regulated, so that no one—including the most highly placed official—is above the law. The legal constraint on rulers means that the government is subject to existing laws as much as its citizens are. Thus, a closely related notion is the idea of equality before the law, which holds that no “legal” person shall enjoy privileges that are not extended to all and that no person shall be immune from legal sanctions. In addition, the application and adjudication of legal rules by various governing officials are to be impartial and consistent across equivalent cases, made blindly without taking into consideration the class, status, or relative power among disputants. In order for those ideas to have any real purchase, moreover, there should be in place some legal apparatus for compelling officials to submit to the law. Not only does the rule of law entail such basic requirements about how the law should be enacted in society, it also implies certain qualities about the characteristics and content of the laws themselves. In particular, laws should be open and clear, general in form, universal in application, and knowable to all. Moreover, legal requirements must be such that people are able to be guided by them; they must not place undue cognitive or behavioural demands on people to follow. Thus, the law should be relatively stable and comprise determinate requirements that people can consult before acting, and legal obligations should not be retroactively established. Furthermore, the law should remain internally consistent and, failing that, should provide for legal ways to resolve contradictions that can be expected to arise.¹⁴

The facilitation of our nation’s rebirth through strengthening the rule of law can be achieved in the following ways:

- Strengthening of the Judiciary
- Legal Reform
- Upholding the ethics of the legal profession

¹⁴ ‘Rule of Law’ (Britannica Encyclopedia) <<https://www.britannica.com/topic/rule-of-law>> accessed 30 November 2023.

a) Strengthening of the Judiciary

The judiciary is one of the three arms of government whose role is primarily to interpret laws enacted by the Legislature and apply such existing laws to individual cases, in order to settle disputes between private persons or between private persons and the government. The role of the Judiciary in a democracy is interpreting the law, and also serving as a strong organ for checks and balances on other organs of government.¹⁵ The judiciary plays a vital role in elevating justice and some of the factors that influence the judiciary's ability to perform its role are:

- i) Independence: For the judiciary to play its role in the administration of justice, it must be independent and free from any form of interference or influence in terms of funding, political manipulations, etc. This will enable judges to determine cases freely and competently on the basis of the law vis-à-vis the facts presented before them and nothing more.
- ii) The courts must ensure that cases bordering on corruption are dealt with expeditiously to instil public confidence in the fight against corruption. To this end, courts must ensure that recourse to unnecessary technicalities are avoided or outrightly rejected.
- iii) Competence of Judges: The strife to elevate justice will be more effective when judges are better trained, better motivated, disciplined and committed to duty. The fitness and proficiency of judges is very fundamental to national rebirth.
- iv) Incorruptibility of the Bench: A corrupt Bench will only worsen the fight against corruption. The judiciary has a significant role to play in the fight against corruption. It would be tantamount to an aberration

¹⁵ Hon. Justice O. O. Goodluck, 'The Judiciary As A Pivot for Good Governance' (1 October 2020) <<https://nji.gov.ng/wp-content/uploads/2021/12/The-Judiciary-A-pivot-for-good-governance-by-Hon.-Justice-Goodluck.pdf>> accessed 30 November 2023.

for the court, which is seen as the bastion of hope for the common man, to stand as a clog in the fight against corruption.

- v) The prosecuting agencies must periodically conduct effective training activities for prosecutors. Elevating justice in Nigeria cannot be largely achieved without ensuring that the prosecutors, who are directly involved in justice delivery, receive the requisite training as regularly as feasible.
- vi) The courts must be properly equipped with modern facilities to be able to fast-track the determination of cases and justice delivery. The famous “Justice Delayed is Justice Denied” quote from British statesman, William E. Gladstone, has formed the basis of numerous legal reforms campaigns. Nonetheless, modern facilities for justice delivery would go a long way in alleviating the delay and denial of justice.

b) Legal Reform

Since Nigeria’s return to democracy in 1999, the Federal Government has engaged in series of undertakings geared towards legal reform. One of those undertakings is the establishment of the Nigerian Law Reform Commission by virtue of the Nigerian Law Reform Commission Act, 2022 which provides for the functions of the commission to include keeping under review all federal laws with a view to their systematic and progressive development, codification of such laws, elimination of anomalies, repeal of obsolete, spent and unnecessary enactments, reduction in number of separate enactments, reform of procedural laws in consonance with changes in the machinery of the administration of justice and generally the simplification and modernisation of the law. Over the years, many constraints have consistently bedevilled our legal and justice system. Legal reform is a sine qua non especially as it relates to elevating justice in any modern egalitarian society. Encountering a national rebirth in Nigeria would require a robust legal reform. First and foremost, all persons and authorities, no matter their status, must be subject to and equal before

the law. Second, the independence of the judiciary and its protection against any influence whatsoever must be prioritized.

c) Upholding the ethics of the legal profession

Principles of legal ethics, whether written or unwritten, not only regulate the conduct of legal practice but also reflect the basic assumptions, premises, and methods of the legal system within which the lawyer operates. They reflect as well the profession's conception of its own role in the administration of justice. A lawyer is an officer of the court who plays a critical role in upholding the integrity of the legal system. Accordingly, a lawyer must eschew tactics that would defeat the fair administration of justice, even while working vigorously to advance the interests of a client.¹⁶

Legal ethics and professional responsibility form the bedrock of the legal profession, guiding our conduct as legal professionals. Upholding confidentiality, avoiding conflicts of interest, maintaining competence, practicing honesty and professionalism, are essential components of ethical legal practice. By adhering to these principles, we not only maintain the trust of our clients but also contribute to the integrity and credibility of the legal system as a whole.¹⁷

It is pertinent to note that upholding the rule of law in the ways outlined above directly leads to strengthening of adherence to our nation's core values which facilitates our nation's rebirth.

Universally, affirming and upholding identifiable core national values, by both leaders and citizens is necessary for national cohesion and development. Both citizens and leaders need to properly understand what Nigeria's core national values are, ingest and imbibe them, and make them the framework and guiding principles for their daily life engagements, interactions and actions. Doing so is, historically, universally, what helps to build united, cohesive, integrated,

¹⁶ 'Legal Ethics' (Britannica Encyclopedia) <<https://www.britannica.com/topic/rule-of-law>> accessed 30 November 2023.

¹⁷ Emmanuel Harris, 'Upholding Integrity: Navigating Legal Ethics and Professional Responsibility' (LinkedIn, 31 May 2023) <<https://www.linkedin.com/pulse/upholding-integrity-navigating-legal-ethics-emmanuel-harris>> accessed 30 November 2023.

resilient and developed nations. Our national aspirations for unity, progress and development would be remarkably constrained if core national values are not properly identified, upheld and utilized in the governance sphere, as well as in all other spheres of individual, group and community interactions and interrelations.

Some of Nigeria's core national values have been embodied in the 1999 Constitution, Chapter II "Fundamental Objectives and Directive Principles of State Policy". The defined core values (standards, ideals, principles, ethics, tenets) in Chapter II, Fundamental Objectives and Directive Principles of State Policy are:

- Democracy and social justice
- Security and welfare of the people shall be the purpose of government
- Freedom, equality and justice
- Popular participation in governance
- Federal character in appointments
- Promotion of national unity in the context of recognized diversity
- Recognition and reflection of diversity in governance
- Unity, faith and progress
- Encouragement of national integration
- Prohibition of discrimination on grounds place of origin, sex, religion, status, ethnic, linguistic association or ties.

The Constitution also specifies other constituent elements of "the national ethics" as: "Discipline, Integrity, Dignity of Labour, Social Justice, Religious Tolerance, Self-reliance and Patriotism" (Section 23). These national values articulated in the Constitution, are no doubt, positive roadmaps for national development and national integration, if sufficiently adhered to. A situation analysis clearly indicates fading core national values in Nigeria today. In the current Nigerian situation, national core values are more at the level of documentation, articulation and discourse than as properly utilized guides for action and interrelations. There is a wide gulf between the constitutionally articulated national core values and ethical standards and the reality of citizens and

leadership predispositions and conduct. There is clearly a major challenge of none compliance with what has been constitutionally articulated.¹⁸

In this regard, since law is a virile tool for social engineering, the proper and effective performance of the key roles of the law and the legal profession will elevate and enhance justice in our nation, thereby fostering the revolution we so desperately need in our nation.

6.0 CONCLUDING REMARKS

In the face of endemic corruption, debilitating facilities, terrorism, unemployment, monumental poverty, anarchy, slow economic development, amongst other woes of our dear nation, we must remain optimistic of the possibility of a renaissance.

An effective and efficient performance of the critical role of the law and the legal profession as discussed above, lies at the heart of bringing this hope to fruition. All hands must be on deck to realize Nigeria's true national rebirth, as the rebirth cannot be realized without concerted and collaborative effort.

In conclusion, I leave you with the words of Martin Luther King Jr., thus,

"We shall overcome because the arc of the moral universe is long but it bends toward justice."

Thank you for listening.

¹⁸ Attahiru M. Jega, OFR, 'Upholding the Core Nigerian Values', Delivered at the Summit for the Repositioning of Citizenship and Leadership as a Panacea for Achieving Economic Recovery and Growth-Plan, Organized by Citizenship and Leadership Training Center, held on March 15, 2019, at the Shehu Musa Yar Adua Centre, Abuja <https://attahirujega.com/jm3/phocadownload/Lectures/Public/Backup_of_Upholding_the_Core_Nigerian_Value_s.pdf> accessed 30 November 2023.