



AFRICAN BAR ASSOCIATION ASSOCIATION DU BARREAU AFRICAIN

نقابة المحامين الافارقة

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AFRICAN BAR ASSOCIATION 2021 ANNUAL CONFERENCE 3RD – 7TH OCTOBER 2021 NIAMEY, NIGER.

COMMUNIQUE

WHEREAS

- (1) The **African Bar Association (AFBA)** held its **2021 Annual Conference from 3rd – 7th October 2021 at the Mahatma Gandhi International Conference Center , Niamey, Niger.**
- (2) The Theme of the Conference was **“Accountable Governance as a panacea for the unending conflicts in Africa: The Legal Profession as the Driver”.**
- (3) **Fifteen (15) Conference Sessions** were held around this theme touching on various aspects of Accountable Governance. There were Meetings of various Committees and Fora of the AFBA as well as several Social events. **The Armed Forces and Security Agencies Session** which dealt with issues of **terrorism and Security challenges** in the Continent recorded huge participation from **Military Lawyers** across the Continent while the **ECOWAS Community Court** enlightened the Conference on its Jurisdiction and role in extending access to Justice to Citizens of the West African Sub-region. Issues relating to the disobedience of ECOWAS Court Orders was also reviewed.
- (4) The Conference commenced with a Presidential Dinner (Cocktail) on **October 3rd 2021** offered by the President of Niger Republic, **His Excellency Mohamed Bazoum**, and the Conference Sessions commenced on **Monday, October 4th, 2021.**
- (5) The opening Ceremony was held on **Monday 4th October, 2021.** On hand to declare the Conference open was the **President of the Republic of Niger, His Excellency Mohamed Bazoum**, who was

accompanied to the event by the **Minister of Justice , Republic of Niger, Dr Boubacar Hassane**, other Ministers and top Government Officials, Leaders and Members of the Niger Parliament, cross-section of eminent Persons, Members of the Diplomatic Corps and Professional Groups.

- (6) Also in attendance at the opening Ceremonies were their Excellencies **Dr. Goodluck Jonathan** former President of Nigeria (who delivered the Keynote Address) , **Mohammadou Issoufou** former President of Republic of Niger, **Dr. Ernest Koroma** former President of Sierra Leone, **President Ellen Johnson-Sirleaf** former President of Liberia (represented), **Dr. Abdul Samad Rabiu** Chairman and founder **BUA Group** were present and received the African Bar Leadership medals. Their Excellencies, **Governor Aminu Tambuwal**, Governor, Sokoto State of Nigeria and **Governor Nyesom Wike**, Governor, Rivers State of Nigeria, who are **Life Members of the Governing Council of the African Bar Association** were also decorated with the 2021 African Bar Leadership Medals for their achievements in Government and their support for the African Bar Association.
- (7) Also in attendance were representatives of various **Military Chiefs** around the Continent, **Alhaji Idi Hong**, former Minister of Foreign Affairs of Nigeria, **Chief Charles Taku**, former President of the International Criminal Court Bar Association, and Life Members of the Governing Council of the African Bar Association. **Presidents or their Representatives** of various **Bar Association** and **Law Societies** across the Continent, representatives of European Union, Lawyers from the United States, Venezuela, France and other Countries around the World. There were also representatives of the **Governments of several African States, Civil Society Organizations**, Pan-African and International Professional Bodies. The Governing and Executive Council Members of the African Bar Association and the Niger Bar Association were present. The Media practitioners and Gentlemen of the press also attended.
- (8) The President of the Niger Bar Association **Mr. Oumarou Boubacar**, welcomed Participants and Guests at the opening Ceremony and his speech touched on some critical challenges facing Africa.
- (9) Goodwill messages were presented by the representatives **Chief of Defence Staff of the Federal Republic of Nigeria**, The Chief of Naval

Staff of the Federal Republic of Nigeria , the Head of the EUCAP mission in the Republic of Niger, the Association of European Lawyers (AEA) and Justinian Lawyers. Goodwill messages were also sent to the African Bar association by the American Association of Jurists, International Association of Democratic Lawyers and others too numerous to mention.

- (10) The President of the African Bar Association **Mr. Hannibal Uwaifo** gave a speech detailing the activities of the Association since 2016, challenges facing the African Continent, access to Justice, the unending conflict, resurgence of illegal Military take over of Government especially in the West African sub-region, terrorism and dire Security Challenges in the Sahel Region amongst other issues.
- (11) The Keynote Address of the Conference which dwells on Accountable Governance as a panacea for the crisis across Africa was **delivered by His Excellency Dr. Goodluck Ebele Jonathan, GCFR** former President of the **Republic of Nigeria**. He highlighted the relationship between accountable governance, peace and the Economic Prosperity of Nations. He identified issues facing Governance in Africa and recommended practicable solutions. He commended the African Bar Association for its roles across the Continent while alluding to the myriad of issues raised in the speech of the President of AFBA and the tasks ahead.
- (12) **African Bar Association Leadership Medals** were later presented to the following persons who distinguished themselves in the service of Africa through promotion of Accountable Governance and the Rule of Law: His Excellency former President of Nigeria **Dr. Goodluck Ebele Jonathan GCFR**, His Excellency former President of Sierra Leone **Ernest Bai Koroma**, His Excellency, former President of the Republic of Niger, **Mohammadou Issoufou**, Her Excellency former President of Liberia, **Ellen Johnson-Sirleaf**, **His Excellency Aminu Waziri Tambuwal**, Governor, Sokoto State of Nigeria, **His Excellency Nyesom Wike**, Governor, River State of Nigeria, Her Excellency, former United Nations High Commissioner for Human Rights and former President of the International Criminal Court on Rwanda and former Justice of the International Criminal Court at the Hague **Judge Navanethem Pillay of South Africa**, **Dr Abdul Samad Rabiu** Founder and President of BUA Group was also decorated with the Leadership Medal in Business for his uncommon business acumen,

providing large scale employment across the Continent and his philanthropic activities.

- (13) The discussions at the **Opening Ceremonies** and the **Conference Sessions** undertaken set the tone for the week long parley which successfully came to an end on **Thursday 7th October 2021** with the **Conference Session on the Rule of Law** presided over by the President of the Association **Mr. Hannibal Uwaifo**, where reports of the violations of Rule of Law across the Continent were received from the Secretariat, discussed and recommendations made .

RESOLUTIONS AND RECOMMENDATIONS

Upon due consideration of the Papers presented, the comments and reports received at the Conference the **African Bar Association makes the following recommendations and resolutions:**

- (1) To thank His Excellency, the President of the Republic of Niger, **Mr. Mohamed Bazoum** and all the officials and people of the Republic of Niger who were in attendance or contributed to the success of the Conference.
- (2) To thank the **President and Members of the Niger Bar Association**, the African Bar Association's Continental and regional Officers and the **Chairman and Members of the African Bar Association's, Governing Council and Committees** for all their actions in making **Niamey 2021**, a very successful Conference.
- (3) To thank the Members of the **Armed Forces and other Security Agencies** who participated and supported the Conference. To give special thanks to the Chiefs of Defence Staff of Nigeria, Niger, Gambia, Burundi, Malawi and the Chief of Naval Staff of Nigeria.
- (4) To thank our Keynote Speaker, **Dr. Goodluck Ebele Jonathan GCFR**, former President of the Federal Republic of Nigeria and all our Special Guests and resource persons for their valuable Contributions.
- (5) Concerned with the deteriorating **Social, Economic and Political situation in Africa** which has led to new conflict flash points resulting in near total disorder in all sectors of life in several Countries across the Continent, the Association calls on Governments across Africa to sit up and give the People good Leadership with renewed hope.

- (6) Noting with deep regret the resurgence of **Military Coups and Unconstitutional takeover of Governments** in the Continent especially in the sub-region of West Africa and some parts of East and North-Africa.
- (7) Also notes and condemns as self centered the emerging trends of tenure elongation and illegal amendments of Constitutions to achieve selfish goals of perpetual stay in office by some African Leaders and Governments. This is a direct fuel for the fledging crisis in the Continent and must stop.
- (8) Concerned about the growing insecurity in Africa mainly occasioned by terrorism, banditry, illicit flow of arms and ammunitions into the Continent especially in the West African sub-region, calls on Governments to form security corridors across Africa through co-operation and modern techniques and equipments.
- (9) Regretting the sufferings of the victims of these crimes mainly, **Children, Women, the elderly, Men and the Vulnerable** in the Society who are daily kidnapped for ransom with many dehumanized and others killed in the process of enforcing Compliance with ransom and calls on African Leaders and Security Agencies to protect their Citizens, preserve Lives and Properties.
- (10) Notes that equally important in the **fight against terrorism is Good Governance**, as this is central to the effective administration of a State's resources, the rule of Law and the development of a strong Civil Society.
- (11) Noting also the systemic acts of violence against People of African descent all over the world especially in the United States of America, Europe and calls for a holistic and practical solutions rather than race profiling.
- (12) Deeply Concerned about the increase in disobedience of Court Judgments especially that of Judgments and Orders of Continental and regional Courts, Conference noted with deep regrets and condemnation the refusal of Cape Verde to obey the ECOWAS Community Court decision ordering it to release the Venezuelan National **Ambassador Alex Saab**.

Accordingly, the African Bar Association:

- (13) Resolves to establish an "Advisory Council" of eminent Jurists, former Presidents and Statesmen and Women, as well as Citizens of diverse Professional background to collaborate with the Bar in finding solution to the various challenges facing the Continent . In order to have the apolitical capacity to decisively resolve issues, especially as will involve sitting Leaders, The Advisory Board will be led by the Leadership of the Bar.
- (14) Resolves to Establish a **Committee** to facilitate the quick and smooth establishment of the **Advisory Board** with a Chairman and Members to be constituted by the President of the Association.
- (15) Calls for collaboration and teamwork amongst National and International Organizations in the fight against terrorism.
- (16) Notes that intelligence and capacity to act in a timely and effective manner on available intelligence reports are key tools in the fight against terrorism
- (17) Condemns and rejects any suggestions in favour of Coup detats or attempts in some African Countries as democratic Leaders can only be removed through laid down Constitutional means.
- (18) Condemns and rejects any suggestion for the absorption of former or surrendered terrorists into the regular Armed Forces or any Security Agency anywhere in the Continent.
- (19) Rejects any ICC investigations into the activities of African Armed Forces battling terrorist and International bandits in the various flash points especially in the Sahel Region of West Africa and demands that the ICC should instead investigate and bring to Justice the sponsors of terrorist and banditry in Africa and declare the killings and kidnapping of women and children as genocide and crimes against humanity.
- (20) Calls on all African Countries and Leaders to respect and obey Court Orders particularly Orders/Judgments emanating from the ECOWAS Court, other regional and Continental Judicial Institutions.
- (21) Demands that Lawyers who occupy the Positions of Attorney General or Ministers of Justice and advises Government on critical issues must be held to account for wrong and illegal advise which results in chaos and anarchy especially with regards to disobedience and usurpation of

Judicial authorities whether municipal, regional , Continental or International Treaty obligations.

- (22) Calls on Legal Practitioners across the Continent to encourage and Practice Good Governance through their Professional conducts, ethics and support for the rule of Law.
- (23) Calls for the development of an effective mechanism for enforcement of the judgments of International and regional Courts such as the **African Court of Human and Peoples Rights and the ECOWAS Community Court of Justice, East African Court of Justice** and immediate ratification of the **Malabo Protocols**
- (24) Calls for a return of looted African artefacts to their communities of origin and the payment of compensation to these communities by the looters mainly located in European Capitals.
- (25) Resolves and calls for African Governments to immediately provide resources for the training of the Military, other Armed Security forces and the provision of modern equipments and techniques to fight violent crimes.
- (26) Encourages the use of Arbitration and other alternative dispute resolution mechanisms in the resolution of Municipal and International disputes including domestic cases.
- (27) Condemns the use of unilateral coercive measures of sanctions by foreign Governments and urges all African Governments and States to unite and rise against this in-human acts that kills millions of Africans.
- (28) The African Bar Association 2021 Conference addressed its mind to the Economic Partnership Agreement (Post Cotonou EPA) between the European Union (EU) and the African Caribbean and Pacific (ACP) states as initialed on April 15 2021. It noted that this agreement elevates soft Law to binding Legal status. The Maputo Plan of Action, the Beijing Plan of Action and their outcome reviews which the EPA seeks to make binding on African States are not binding and contain socially contentious language that conflicts with the Municipal Law in many African states. The African Bar Association therefore calls on the African member states to revisit and reconsider the Agreement with a view to aligning it with the African Charter on Human and Peoples Rights or place reservations on the clauses that offend sound African values on sexual and reproductive health.
- (29) African Bar Association calls on all African Governments to safeguard and guarantee access to Electoral process by eligible voters.

- (30) African Bar Association recognizes the duty and responsibility of Legal Practitioners to enhance Good Governance by payment of taxes as and when due and to regard anything contrary as ethical misconduct.
- (31) African Bar Association calls on Governments to make tax Laws fair and reasonable taking into cognizance the economic realities of the Citizens and their practical abilities.
- (32) Congratulates all Participants and Guests of the 2021 Annual Conference wishing them safe Journey back to their various Countries and looks forward to another rewarding **Conference in 2022 on a date and venue to be announced in due course.**

Dated at Niamey, Republic of Niger this 7th Day of October, 2021.



Hannibal Uwaifo Esq. (LL.M, MNIM, MCI Arb)
President