

The NBA, Corruption and the Rule of Law

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The Nigeria Bar Association got a new Executive over a month now. Given the pervasiveness of corruption in Nigeria and its inverse relationship with the rule of law, one would have expected clear moves, even if as concretised expressions of intent to fight the scourge of corruption in Nigeria in general and in the dispensation of justice in particular.

As K. Zannah in a 2007 paper stated, a 1999 study in Lagos state indicated that 99 percent of lawyers surveyed agreed that there was corruption in the state judiciary, while in the same report 70 percent of Nigerians surveyed across the country believed the judiciary was corrupt. The situation can only be assumed to be worse today. After all, our corruption perception index, including under this administration has been very shameful.

I have, elsewhere defined corruption as: “The abuse of power and/or authority, including manipulation of rules or opportunities, or extortion from another in the public, private or social realms for self or filial/familial relations or inducement (bribery), by another in furtherance of undue gain to the self or a desired third party”. This comprehensive definition allows us to see the pervasiveness of corruption even in our religious settings not to talk of governments at all levels. Unfortunately, Nigerians tend to focus only on corruption at the Federal Government level and totally close their eyes to acts of their respective Governors and Local Government Chairpersons not to talk of their so called "Men of God".

It is generally accepted that corruption, as a cancer is killing Nigeria. The tendency is to throw up our arms that nothing can be done. But should this continue to be the case?

The Nigeria Bar Association professes to stand for the rule of law. The rule of law is inversely proportional to corruption. The more corruption in any society, the less the operation of the rule of law in that country and vice-versa. NBA cannot and should not be allowed to operate under a spirit of business as usual.

In another land, a lawyer was disrobed for lying over a traffic offence. But in our beloved Nigeria, a President of the NBA was in Court over corruption, and there were no pressures for his resignation, so how in all honesty can we expect that NBA Executive to fight corruption.

The NBA in Naija acts by its silence on the indictment of lawyers for perpetrating corruption in the quest of justice. The NBA leadership could have chosen to champion additional investigations and public defense processes before appropriate bodies as deterrence to other learned friends. Such public actions would aid the delivery of a clear message that corruption must be routed out if we are to enjoy the rule of law.

Practical steps are needed to be jumpstarted by the NBA leadership to further investigate and drag indicted colleagues before the legal practitioners disciplinary committee at a minimum. Disrobing a number of corrupt lawyers and those aiding and abetting corruption is necessary.

Such dragging of lawyers towards responsibility to foster the rule of law can happen under extant laws and regulations. I repeat, the NBA can no longer continue business as usual. It should start its cleansing drives with examples from the top of the profession.