



## Organizational Behaviour and Non-Registration of Nigerian Bar Association, Kwale Branch

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### Article Information

#### Suggested Citation:

Okwelum, C.O. (2023).

Organizational behaviour and non-registration of Nigerian Bar Association, Kwale Branch.

*European Journal of Theoretical and Applied Sciences*, 1(3), 259-284.

DOI: [10.59324/ejtas.2023.1\(3\).29](https://doi.org/10.59324/ejtas.2023.1(3).29)

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### Abstract:

The desire to have the Nigeria Bar Association, Kwale registered by the national body had been the consuming passion of the lawyers in Kwale in Delta State, Nigeria. They have tried in recent history to ensure that they are registered but to no avail due to the want of the number required by the national body as the bench mark and the volume of litigation and other legal activities in the Kwale space. But since the 2020s the number has reached close to hundred as against the bench mark of fifty yet the processes of getting it registered as the latest branch of the association has been proving to be a daunting task hence this study which employs the doctrinal method. It seeks to do a numeration of the lawyers in the Kwale legal space who are resident in the town and who are ready to own up as members of the Kwale Bar Forum ready to vouch that they are prepared to hold up

the flag of the branch high enough to the acknowledgement and satisfaction of the national body that Kwale is qualified to have a 'proud' branch of the association. The study in the process of raising this principal issue of the call for registration of a branch in Kwale has attempted to survey and interrogate some of the forces that have retarded the recognition of Kwale as a branch and has advanced some of the key reasons why the branch should be created by the national body. Some historical incursions were made only for the purpose of highlighting the struggles of legal development in the space and to pay some level of tribute to those early lawyers who chartered the course of the association in Kwale.

**Keywords:** *Nigeria, Kwale, lawyers, bar association, organizational behaviour, registration of association and legal practice.*

### Introduction

The Ukwuani people are a minority ethnic group in Delta State in the context of the Nigerian federation. Two waves of ethnic origins are usually constructed for them by historians versed in the history of the Niger delta. While some say they migrated from the Benin Empire during the Igwala wars to escape from oppression and they are freedom loving people, another believes that they migrated from the east and that they are a sub-set of the Igbo speaking

peoples on the western bank of the River Niger. The Ukwuani language has an extensive similarity with the Igbo language and the 'nua' group of languages. Their societal and traditional political organization suites the eastern wave of migration. This is due to the fact that they are not empire builders. They built village democracies and believed in individualism. Although they do not have great cosmopolitan outlook like their kindred on the eastern bank of the Niger, they are essentially crop farmers on subsistent levels. The Ukwuani people depend



greatly on the commercial center of Onitsha for much of their trade and needs particularly after the coming of the Europeans to the Guinea coast of the Atlantic Ocean.

They also interact with the Isoko, Ijaw, Itsekiri and the Uhrobo who flank them in the south and south west of the Niger delta before the sea. It is believed that they have greater interaction with these clusters of ethnic groups arising from their trade with Europeans on the Atlantic sea coast particularly the Portuguese as they passed by to the Congo. Although they were resistant to the intrusion and incursion of the Europeans into the hinterland, there were no recorded historical wars between them and the Europeans even as many abound in oral traditional history. They were therefore subject to colonial rule in all its ramifications. Sometimes, it is correct to say that much of what is known about them is the account that the Europeans, particularly the British, have kept about them. Anything beyond European account is lost to memory as they did not develop any writing or other cultural heritage of substance.

They have thus been organized and have come to recognize themselves as people subject to colonial rule. The first known contact with the Europeans can be traced to Aboh where Samuel Ajayi Crowther seemed to have entered into some pacts with them as a Missionary Intermediary for the Catholic Missionary Society CMS. The Aboh territory had been under the control of the Obi of Aboh who had migrated from Benin to the current position with his followers where they met the indigenous Akarai people. The Local Authority that the British established through the Royal Niger Company and the Missionaries was thus centered at Aboh and its environs. Another significant station which the Europeans established within the Ukwuani area was Abraka from where another satellite post was established at Kwale. On the constant journey between Abraka and Kwale a Residency was also established at Amai which is said to have significant historical affinity with Aboh. Because Aboh territory was not suitable during the flood season, Obetim-Kwale was preferred and was established as a colonial headquarters for the area in about 1904. The

Court system was established along with the presence of the Europeans as a means of adjudication and social control.

## Statement of the Problem

When a group of professionals exist in certain locality issues common to them are bound to crop up as a group and as individuals and in their relationship with outsiders, other associations and the State at large. National associations like the Nigerian Bar Association and the Nigerian Medical Association have these challenges of protecting their profession from intruders and fakes, ensuring integrity and standards and best practices. They also face the challenges of meeting the needs of individual members who are located in terrains that are having difficulties in socio-political development in a country where even development is paid lip service. The Ukwuani people and Kwale town have had these challenges in legion. To be able to pay their annual practice fees, get recognized as a branch of the national body has been a challenge to them. With significant improvement in technology and recent growth in population of kwale and the residency of over 50 lawyers in the town, the call for a recognized branch has mounted ceaselessly leading to this study which seeks to lift up the kwale legal space before the national authorities of the association and present it as one that desires recognition and registration as a branch. The historical facts and data around which the study is built are essentially primary and this has been daunting to capture. All the persons mentioned in this study exist and although some are no longer alive, attempts are made to state the issues surrounding them as brief as possible without having to harm any feelings. It is hoped that this study may generate further debates for sometimes to come as such, the caveat is that the need to recognize that it is an individual researcher's perspective is very important. It is hoped that the debates that shall be generated hereafter should view the issues touched thematically and for the purpose of further understanding of the phenomenon under study. Such deliberate classifications and

characterizations of branches around Kwale and the seeming competitive relationships between them and the two other towns of Aboh and Obiarukwu are done mainly for academic and analytical purposes to further edify the study.

## Theoretical Framework

### Theory of Organizational Behaviour

Organizational behavior is the study of the many factors that have an impact on how people and groups act, think, feel and respond to work and organizations, and how organizations respond to their environments. It helps people and groups to become more engaged organizational members, getting along with others, making more effective decisions and working effectively within an organization. It consists of concepts like conflict, leadership, culture, change, structure and development. It refers to the behavior of a person in an organization (Olu-Adeyemi, 2020)

### Kwale Bar in Minority Rights Agitation Theory

Minority right agitation is not new in Nigeria. It is as old as the history of the country. The majority have been in the habit of designing the rules and regulations that govern the political and economic spaces called Nigeria. The history of the country has become largely the history of the covering of the desires of the minorities to be recognized and accommodated in a contraption they have come to find themselves as a result of British colonial rule. The majority ethnic groups have not changed from the method of association of the British instead of assimilation of the French and have not championed the course of the weak and the marginalized. Policies have been designed that are detrimental to the weak and those in minorities. Marginalization is not found in mainstream government alone but sub-institutional frameworks and organizational structures like the Nigerian Bar Association that this study is focused. The suppression of minority ethnic groups in relation to national associations like NBA is rife. The non-registration of the Nigerian Bar Association

Kwale branch because of sundry policies and reasons that have been interrogated in this study is rife across the country without any consideration of the peculiar circumstances of such peoples in such conditions.

Once 'it is good to go' with the majorities, the minorities are left behind to regale in neglect yet the resources of such minorities are not left behind but tapped and used to their detriment and disadvantage despite their loud agitation and complainants. The grievance remediation mechanisms that the systems have kept in place in Nigeria are constantly redrawn to keep the noose tighter on the necks of the disfavoured and no deliberate attempts are made in Nigeria to capture inclusiveness. Systems that are built on the basic principles of survival of the fittest are undemocratic and ought to be resisted but they are resisted in the least in minority ethnic areas such as Ukwuani in Niger Delta. If the membership of the Nigerian Bar Association is compulsory to all lawyers called to the bar, then the constitutional provisions for freedom of association provided under the 1999 Constitution (as amended) is infringed. If a legal Practitioner has the right of choice of which bar to belong, then the choice of the group of lawyers who want to belong to the Kwale bar of the association should be guaranteed and allowed by way of recognition and registration of the said branch by the NBA national to enable them realize their aspirations and the purpose for which they ply their trade as legal Practitioners in the Kwale legal space. This is especially so as they have been in the throes of asserting and agitating for their recognition and registration.

Are the legal Practitioners who ply their profession on the Ukwuani terrain to be forced, cowered, and cajoled to belong to Agbor, Oleh or Asaba branch when it is most inconvenient for them to do so due to long distances and insecurities associated with travelling in the night to keep nocturnal engagements? The law which provides that every lawyer must be a member of a branch of the association should be 'kind enough' to recognize and provide for circumstances that exist in places like Kwale where the practice had been long in standing but

not as huge as in places like Abuja, Kano and Lagos after all, a town is a settlement of people that is bound to grow and God created them all: big and small. To compel the lawyers of Kwale residence to travel these great distances in these times of insecurity and advancement in technology to keep to nocturnal meetings when Kwale has grown up to the status to be a branch is what drives this research on how associations in Nigeria deny members of benefits because of minority in origin and location. If location is not considered in the process of nation building, then this country has a basic desire not to develop its people and communities and nationalities and its national associations like the NBA must be called out for interrogation on how they under-develop their human capital. The approach which has consistently informed this research is to view with strong possibility the suing of the national body of the NBA before a competent court of law to explain and demonstrate why it does not view the denial of registration of Kwale branch of its association as tantamount to minority marginalization, suppression, oppression and annihilation.

An association whose aim is to ensure good governance should be able to recognize when it becomes necessary to review its rules to improve its democratic credentials and the democratic ethos of the country. An association which obtains annual contributions from members of a legal space which it ought to register and recognize but fails to do so must or ought to be called out to account. An association for only the big is a presage to the annihilation of the small. To require that there must be not less than 50 lawyers in a Judicial Division of the High Court of Justice before an NBA branch can be considered for registration is no doubt an exercise in raising stakes and hurdles which is capable of under-developing the countryside than encouraging widespread representation. Fifty is a number that is far from the numbers that were considered during the beginning of the legal profession in Nigeria and an incursion into the origin of some of the branches like Lagos and particularly Ibadan would demonstrate that the aims and objectives of the creation of branches were not hitched on number but the

welfare and wellbeing of lawyers and the development of a Nigerian society that is legally aware of the law and its machineries vis-à-vis the rights and duties of its responsible and responsive citizens. The attitude to number has the dangerous effect of discouraging the development of the countryside, the choice of lawyers to live in the sub-urban communities and help develop them. The unhealthy concentration of large and unwieldy population in cities has made drift to them irresistible and have compounded the even growth of nations. Any association whether private or public in which its systems are static and upwardly centralized cannot but become an octopus that cannot meet effectively the demands of competitiveness in the market place. Organizations that seek to over-centralize rather than decentralize and liberalize are the bane of modern Nigerian society (Ukmeta, 2008). As Nkannabe opines, the act of legislation is a forward looking endeavor and not steeped in statistics and the tyranny of number is the tyranny of the majority against the minority because as the Nigerian society continues to evolve, rules and regulations governing associations must perforce consider the interest of minorities and members in the fringes if kwale legal space could be considered as such.

The issues that drove the 2012 Bar Leaders' Summit were not numbers or location. They were issues around professional ethics, legal education, welfare, strategic planning, liberalization and globalization of legal services. These are issues that should agitate the national body in recognizing places like Kwale as one of its branches in this decade not numbers or location. It should be uppermost in the mind of the approving authorities at the national body of the NBA whether the rules of professional conduct are being obeyed by the lawyers in the Kwale legal space. It should determine whether the lawyers in Kwale are practicing their profession in group settings because when lawyers practice law in group settings, compliance with ethical obligations becomes an organizational and individual concern because any individual lawyer's conduct can impact every other lawyer in the group. Therefore, leaders of the bar in settings like Kwale should take ethical

conduct seriously and demonstrative actions that seek to edify compliance with ethical behaviour in the practice of law because ethical conduct also determines falling standards that are exhibited in decline in quality of language, writing, communication and advocacy skills (Anaba, 2012).

## Conceptual Clarifications

### Origin of Legal Practice: Lagos-Ibadan Corridor

The desire to engage in the conversations regarding the Lagos-Ibadan legal corridor is essentially to demonstrate that the questions of number and location of a branch of the Nigerian Bar Association were not the driving forces in the origin of the association and while Lagos has remained the legal and practice headquarters of Lawyers in Nigeria, legal Practice was soon to spread to Ibadan and even sprang up in Calabar as early as the British settled there. While Falana (2020) has submitted that the Nigeria bar Association was founded in 1900 as a friendly society of lawyers led by Sapara Williams, first indigenous Nigerian lawyer in Lagos, Ajayi (2012) believes that 'Ibadan and no other place can be found the origin of the Association.' But Ajayi concedes that by 1890s Lagos Bar Association had been in existence and was in fact 'the oldest lawyer association' in Nigeria while the first known Nigerian Bar Association in Ibadan was formed in 1954 this followed the establishment of Protectorate Courts and the abolition of Provincial Courts around 1933. By 1924 Lagos Law Society had also been in existence while by the following year 1925, Nigerian Provincial Bar Association had been launched in Calabar and the Nigerian Law Journal had been founded in 1921.

By 1862 when the Colony of Lagos was established and the first Colonial Courts were established, there were no lawyers; as such, the Colonial government issued licenses to 'local made attorneys or colonial solicitors' who were educated enough to act in such capacity for six months in the first term renewable until 1886 when Nash Hamilton Williams emerged as the

first legal Practitioner to be enrolled to practice in Nigeria. By 1913 about 42 oversea trained lawyers had emerged leading to the revocation of the licenses of non-lawyers. Between 1886 and 1962 Nigerian lawyers were trained overseas and called to the English bar (Ajayi, 2012 & 2019). Upon the establishment of the Nigerian Law School after the recommendation of the Unsworth Committee, the Legal Education Act and the Legal Practitioners Act both of 1962 were enacted and they were later replaced by the Legal Education (Consolidation Act Cap 206) and Legal Practitioners Act (Cap 207) Laws of the Federation 1990.

By independence in 1960 there were only 540 indigenous Nigerian lawyers; and foreigners who were lawyers practicing in Nigeria were 423 making a total of 963. Between 1960 and 1968, Chief F. R. A. William emerged as the first President of the Nigerian Bar Association with Chief G. C. M. Onyuke as the Vice President. With such a number of 540 indigenous lawyers found all over the country, it is elementary that the questions that agitated the coming together of lawyers then and now are issues relating to freedom, equality and justice. Questions relating to the welfare of the members not their numbers and their locations were central and the branches or the lawyers 'met only when there was the need to protect professional interests' (Ajayi, 2012 & 2019).

## Literature Review

### The Nigerian Bar Association

The Nigerian Bar Association was founded three decades later in 1933 (Ameh, 2022) after the foundin and hoisting of the British flag on the Colony of Lagos. The Nigerian Bar Association consists of branches and not made of the national executive as it is often misconstrued. Its membership is notably at the branches and not the National Executive Committee (NEC). It is the branches of the Nigerian Bar Association that drive decision making at the NEC through the representatives from the branches (Kio-Lawson, 2014). It is a non-profit, professional association of lawyers admitted to the bar in

Nigeria. Its membership is about 105,400 who are active in previously 125 branches until its quarterly meeting in Ilorin, Kwara State on 8 and 9 June, 2022 when its then President, Olumide Akpata and the NEC decided to create three additional branches in Surulere in Lagos State, Garki and Nyanya-Kura in Abuja bringing its current number of branches to 128 as at 2023 (Nigeria Bar Association, 2017). The decision by NEC to create the three recent branches was premised essentially on the population of the lawyers in the three branches so created. It was clearly stated in the public space that the need for the creation of the Garki branch was to resolve the ‘lingering crisis in the NBA Abuja branch’ while the branches in Surulere and Nyanya-Kura were for ‘easy administration as a result of growing large population of lawyers in the mega cities’ (NBA creates...2022) which ‘population of lawyers had become unwieldy’ (Ajiboye, 2022).

In a relevant commentary made by Azu (2023) after the creation of the last three branches, it was further established that in the past few years, the National Executive Committee of the Nigerian Bar Association had created several branches across the country and that the branches were being created as ‘new forum for the professional development of lawyers’ and apart from ensuring the ‘smooth administration of justice in their jurisdiction, the new branches’ are to ‘contribute to human rights (enforcement), the promotion of the rule of law and good governance.’ A reading of the aims and objectives of the Nigerian Bar Association in its official website confirms human rights, good governance and rule of law as its directive principles. But what agitates this research is not the essentiality of the aims of the association but the fact that it seems to only create its branches with regards to teeming population density and corridor. For instance, Azu has noted that in Abuja, there are Bwari, Gwagwalada, Garki and Nyanya-Kura branches while in Lagos, there are Ikeja, Ikorodu, Badagry, Epe and Surulere branches.

Kio-Lawson has also given a second reason why the Nigerian Bar Association prowls on the population corridors of Nigeria. Kio-Lawson

notes that why the Nigerian Bar Association may not be interested in issues of urgent national importance and the spread of its branches to the grassroots and places of urgent representation such as Kwale, it appears the ‘NBA is sorely interested in anything that has to do with getting money and spending it’. He argues that year in and out the critical focus of the Association is driven by the ulterior motive of generating from its members huge sums of money annually and spending them extravagantly and conspicuously without caring for how the members feel and what their needs are. It even goes the extra mile to fashion out ‘workshops on techniques of fund raising, inviting resource persons to speak on such issues as project funding.’ The Association delves, according to Kio-Lawson, into issues on how to raise funds, what to do with the funds when raised, how to manage the funds, utilizing and funding subsequent projects from the proceeds.’ This social malaise has been sold to the psychic of all the branches across the country diverting their attention from the critical issues of nation building and ensuring that it is not only money and population that should drive the association but zero tolerance for corruption in the three estates of the realm and catering for locations that are at the fringes and the welfare of the members in such fringe zones like kwale and getting them integrated into the mainstreams.

The ‘morbid’ drive for fund is not in any way related to the legitimate ‘Guidelines for the payment of 2023 Practice fees, Branch dues and Membership Registration fees’ as issued by the NBA Garki branch as follows:

Practice Fees of Lawyers (2020-2023)....N5,000  
 Branch dues.....N3,000  
 Registration.....Free

Practice Fees of Lawyers (2015-2019).....N10,000  
 Local Branch dues.....N5,000  
 Registration.....N2,000

Practice Fees of Lawyers (2010-2014).....N17,000  
 Local Branch dues.....N6,000  
 Registration.....N3,000

Practice Fees of Lawyers (2009-  
below).....N25,000  
Local Branch dues.....N7,000  
Registration.....N5,000

Senior Advocates of Nigeria and  
Benchers.....N50,000  
Local Branch dues.....N15,000  
Registration.....N10,000

The payment of the above stipulated practice fees, branch dues and registration fees for every Nigerian Lawyer as categorized is compulsory and makes him eligible to appear in all courts of law in the country and further entitles him to two free packs of (48 seals of stamp) which he must affix or emboss on every letter, court processes he files and any other documentation. It also makes the lawyer eligible for the branch welfare packages that may fall due (Unini, 2023). The membership of the Nigerian Bar Association is therefore compulsory for every Nigeria lawyer called to the Nigerian bar whether in practice or not. This was the holding of Justice R. O. Odugu of the High Court of Justice, Enugu State in a suit filed by Ben Oloko challenging the Nigerian Bar Association that it is not compulsory that every lawyer called to the Nigeria Bar must become a member of the association but voluntary relying on the 1999 Constitutional provision of freedom of association. Honourable Justice R. O. Odugu further held that the Nigerian Bar Association had the power and authority to increase the practice fees as against the contention of Ben Oloko and that before a Lawyer is called to the bar, he must have paid his bar practice fees *but has the choice of which branch of the Association to belong* (Ameh, 2022).

### Origin of Kwale Bar

It is the question of the free choice of which branch of the NBA a lawyer chooses to belong that informs this study on the legal status of the Kwale Bar Forum and the call for the recognition and the registration of the Nigerian Bar Association, Kwale Branch. The origin of the Kwale bar is traceable to the earliest beginning of the entrance of natives into the legal profession in Nigeria and in the kwale area,

the records are scanty and as this study proves to be ground-breaking, attempts shall be made to sketch from the earliest available local and oral reports and evidence from the kwale legal space hoping that thereafter the blank spaces shall be filled up in future enquiries. It is also hoped that this research or study may be able to give light and give rise to others which are interested in the subject matter under interrogation to bring additional perspectives to bear on the subject area in the continued agitation for the recognition and the registration of the Nigerian Bar Association, Kwale branch.

The Kwale environment was not as busy as Warri but was having the potentials which are today's reality of two High Courts, two magistrates' Court and an Area Customary Court and they are busy and even congested leading to the clamour and the establishment of the High Court of Justice, Aboh and the High Court of Justice, Obiarukwu in recent history. Because of the flooding terrain of Aboh in Ndokwa East the two High Courts in Kwale cover the Ndokwa East litigation field though an Area Court manages to access Aboh town during the winter to sit in the great and ancient kingdom on the mouth of the River Niger while a Magistrates' Court and a District Court are fully in sessions at Ashaka. Other ancillary governmental institutions that can complement the need for a Nigerian Bar Association Kwale branch as being pleaded in this research are equally present. They are Federal Correctional Centre, Nigeria Police Divisional Headquarters, Local Government Secretariat, Postal Agency and Local Education Authority; the complementary Ministries of Work, Agriculture, Sports, Social Development and Welfare, Central Hospital etc. On the commercial front, the Nigerian Agip Oil Company NAOC and Kwale-Okpai Gas Plant located in the vicinity of Benekuku has been the hub of the Kwale fame. There is a record of six banks (Eco Bank, Unity bank, Zenith bank, Keystone bank, IC-Global Micro Finance Bank, Wetland Bank and Fidelity Fortune & Management Co. Ltd). Two others are building but have not come into public knowledge and a State-national Industrial park.

In the history of the Kwale bar, it is the existence of Agip Oil Company that has driven much of the litigation in the area. But rather than doing so positively, it has been negatively because of the tendency of multinational oil companies to play divisive politics and enslave exploitation of the people or natives and declining to reside with them. This approach led to so much litigation and bitter hostilities that claimed so many lives, millions in terms of valuable properties and displacement of human society in an era of human security concern. The disputes were obviously centered on land ownership and contractual issues such as supply of labour, clearing of right of way and oil location royalties. But in contemporary Kwale of the 2020s there are over 12 Local Content Vehicles working on marginal fields in the space and doing serious oil and gas business apart from Agip. These include but are not limited to Sterling Global, Midwestern Oil and Gas, Energia, Pillar Oil, Bogel, Chorus Energy and Platform Petroleum. These Local Content Vehicles have greatly opened up the commercial potentials of Kwale which also has close proximity with other growing centers like Obiarukwu and Aboh. Kwale has undisputedly taken the leading town status in the tripod Local Government Areas of Ukwuani, Ndokwa West and Ndokwa East. Kwale has the magnetic pool of 34 clans, villages and communities which are all growing in relative peace that the Niger Delta region now enjoys. These towns are Abara, Afor, Akarai, Ase, Ashaka, Ibedeni, Ibrede, Igbuku, Inyi, Obikwele, Okpai, Onuogboko, Onuaboh, Onyah, Ossissa, Umuolu, Ushie, Utchi, Utuoku, Abbi, Emu, Ogume, Onicha Ukwuani, Utagbe Ogbe, Utagba Uno, Amai, Akoku, Ebedei, Eziokpor, Ezionum, Obiarukwu, Umuebu, Umukwata and Umutu.

### Early Kwale Legal Practitioners

Although Barrister Offobor had earlier pitched his tent at Ashaka on the Ase Creek to harness or harvest the legal disputes and issues arising from the entrepot commerce of Ashaka in what is now Ndokwa East Local Government Area, three other lawyers that attempts shall be made to foist the origin of Kwale bar upon are Chief C. O. Nwabukei, Dr. (Professor) O. K.

Nwachukwu, and Barrister Elu. In contemporary Kwale, they have the great honour and privilege to establish Chambers of note in the town of Kwale along the popular Umusadege road way. Although Barrister Elu was to die early at Aghalokpe near Sapele in a car accident chartered for his return journey from Abeokuta Bar Conference in 1981, he built the first indigenous Ekpeta Chambers on the busy road way which stands till date with the full stock of his books but which has remained a relic as his surviving son Barrister Ben Elu a senior member of the Kwale bar and Head of Legal Services Department in the Local Government Service has chosen to move on with his personal professional career outside the ambit of the Ekpeta Chambers which derived its name from Elu's mother. Some of the Chambers' books have even found their ways to other Chambers that where later established in the town as loaned-books from Ellu's Chambers.

Barrister Elu, who hailed from Ushie close to Ashaka, also built a duplex in a conspicuous position on the outskirts of Ushie town that is in a similar state of ruins and disrepair as the Ekpeta Chambers in Kwale town. The object of this narrative is to establish that of all the lawyers that found their ways to Kwale, Barrister Elu was the first and very popular and well to do. He was initially stationed briefly in Benin before he moved to Port Harcourt from where he relocated to Kwale and settled with High Chief Vincent Olie one of the most prominent Chiefs of Kwale who dealt directly with the multinational oil company, Agip. He was famous for the 1972 Consent Judgment that has till date held the balance of peace or war in Kwale and all other critical litigations in the Kwale space with regard to Agip, Umusadege Ogbe and Benekuku. Barrister Elu was called to the Inner Temple in London in 1965 and according to the son, Barrister Ben Elu, he relocated from Port Harcourt to Kwale immediately after the Nigerian Biafra civil war which ended before 1972 when the popular Consent Judgment was made and entered at the High Court of Justice, Kwale. He was a national legal figure and an astute constitutional lawyer and was a Member of the Constitution Drafting Committee that



was put in place by the Gen. Olusegun Obasanjo military administration to draw up the 1979 Constitution which was chaired by Chief Rotimi Williams upon which the second Republic was ushered in.

When he died on his return journey from the Abeokuta Bar Conference, the leadership mantle in the Kwale bar fell on Chief C. O. Nwabuokei who was offered admission by the prestigious London University in 1963 where he bagged his Bachelor and Master degrees in English before studying law. After his studies, he returned to Nigeria in 1972 as a Zikist and went to the Nigerian Law School, Victoria Island, Lagos, and was called to the Bar in 1973. At the Law School, his name was synonymous with academic excellence and this manifested in his being chased after by some senior lawyers of the time to work in their Chambers notable of which was Chief Justice Ovie Wiskey in 1974. However, he was unable to resume with Chief Justice Ovie Wiskey because of his involvement in a ghastly motor accident on his way to the resumption of duty in the Chambers. Upon recovery many months later, Chief C. O. Nwabuokei joined his kinsman, Justice James Abadike Obi in Warri and was stationed in Warri for sometimes before the call for duty at Kwale arising from the demise of Barrister Elu made him to establish his Chineye Law Chambers and relocated it to Kwale due to dearth of resident lawyers in Kwale.

With Chief C. O. Nwabuokei in Kwale, other notable lawyers like Chief Gabriel Esumike who established in Sapele, Shyngle A. Oki of Warri, Chief B.B.E. Idigbe of Warri, Chief J. J. A. Rerri, Chief B. O. Olorok, Chief J.I. Ojeh of Agbor (Member, Body of Benchers), Dr. J. O. Akpojaro of Warri, Chief (Sir) J. A. O. Igbrude and lately Powell Asheshe, began to anchor at Kwale to ply the legal trade. The natives began to reduce their journey of having to go up to Warri, Benin and Asaba, sometimes Onitsha to engage the services of Legal Practitioners in their cases even though they continued to sojourn in search of Land Surveyors until recently; and by all sense of judgment, the Kwale bar became affiliated to Warri bar. However, the bar is all about bar activities and human and members' meetings. It

is sometimes nocturnal in its meetings, dinners and get together. Because of the airs that were usually associated with early lawyers whenever they were involved in traffic accidents particularly whenever such incidents turn tragic, fatal or ghastly, their journey to Warri to attend bar activities and dinners became one of the greatest constraints of the early crop of lawyers of the Kwale axis. The best that was left for its earliest lawyers was to sue for and attract more legal practitioners to the town to establish Chambers and grow up the practice of the legal space.

One of the earliest lawyers to heed this call was Dr. (Professor) O. K. Nwachukwu who pitched tent firstly at the entrepot of Ashaka in a palatial mansion he built for his mother and later moved his Nneamka Chambers to neighboring Kwale. Another was M.O.C. Obey who came from Agbor to establish his MOCO Chambers along Umusadege Road. Of the lot, Dr. (Professor) O. K. Nwachukwu was most outstanding and an astute lawyer-politician. He was elected as a pioneer Member of the Delta State House of Assembly and a Chairman of the Ndokwa East Local Government Council. He graduated from the University of Nigeria Nsukka with the Carter G. Woodson prize as the best history student in 1965 and later proceeded to the University of Wisconsin, Madison Campus as an Aggrey Fellow and obtained M.A. (History) in January 1969 on a thesis titled, *'The Abob Kingdom: Entrepot on the Niger'* which won the Melville D. Herskovits prize as *'The best Master thesis in the African Studies Programme among a number of articles presented at Historical Conferences in Canada and the United States of America.'* Dr. (Professor) O. K. Nwachukwu returned to Nigeria in 1975 and joined the Institute of Continuing Education of the defunct Bendel State and resigned in 1977 to read law and obtained LL.B degree with 2<sup>nd</sup> Class Honours (Lower Division) of the University of London in 1980. He was called to the Nigerian bar in 1982.

In the decades following the return to civil rule in 1979 many lawyers of Ukwuani origin began to spring up from the new Law Faculties of the Federal and State Universities who decidedly gravitated home to help or join Chief C.O.

Nwabuoeki to shore up the practice in Kwale notably: Chief G. E. Odishika, C. C. Ogwe, Chief Charles Oghali Ukpokor also based in Port Harcourt, Dr. Osita Adah, Barrister E. Tabowei, Barrister Andrew Oyemike, Barrister J. E. Ufot, Barrister Sam Chukwuji, Barrister Wilcox, Barrister I. O. U. Osaeweife, Barrister Chuks Emeni of Obiarukwu and others. Their Chambers were mainly clustered around the Local Government Council Secretariat, the Police Divisional Headquarters, Prisons area, and opposite the High Court of Justice premises. However, unfortunately for the Kwale bar and this can be identified as one the worst deficit of the Kwale practice (for both the bar and the bench) the growth of the Government Reservation Area of Kwale was stunted. It was never built. It was sabotaged and the reason behind this deficit is not to detain this research. But the population that usually ought to have been bred to give the Kwale town-ship and the operations of the bar and the bench a cosmopolitan outlook was stifled or 'killed'.

The neglect of the development of the G.R.A led to the flight and the shunning of Kwale by high-level professionals and officials of government. The Judges and Magistrates that got posted to man Kwale courts were highly inconvenienced by lack of quarters and housing accommodation and chronic lack of electricity. In spite of the fact that electricity could have been the birthright of the town from the Agip Gas Plant which is the biggest in West Africa and which gives constant light to Aso Rock Villa in Abuja, Kwale town and Kwale bar and bench groped in darkness for several decades till date and these have stunted their growth. The history and the politics of Kwale electricity is one of the fiercest agitations currently together with the lack of a Federal or State higher institution of learning in the town unlike its contemporaries. High Court Judges such as Bazunu, Akigbe, Smith, Makwe, Oseji JSC, Owho, Briki-Okolosi, Anigboro, Jalogho-Williams, Ofesi, Ideh, Maidoh, Enemoh, and Oyagborogha who had the great fortitude and enormous courage to sit and preside over Kwale Courts did so with great personal efforts and deprivations, untold personal risks on the roads and insecurity on the Kwale terrain.

The Judges and Magistrates had to journey daily along great distances to Kwale from such places as Warri, Benin and Asaba with heavy wear and tear on their lives and vehicles. They were never comfortable with their postings to Kwale even though they never mentioned it publicly. There was no water, no light and no house. The Henslope building which was done around 1905 which became inherited by the presiding Judge was an eyesore. It had the oldest rooftop in Ukwuani land and the building had some part as mud, part as brick and part as block. It had no perimeter fence and it had no security post. It was far off from the Police Station and it had no neighbourhood. How it was made to become the official quarters for the presiding Judge in Kwale is a misery to the researcher. In all estimations, the Local Government Council has never been kind to the bar and the bench in Kwale. If it was only the quarters for a presiding Judge, it was able to 'donate' this could have gone a long way in the attitude of this research to this issue. In all estimations therefore, the coming to sit as Judge in a Kwale court for the bench is not a picnic, it was 'a no go area'; lifeless and piteous. The relationship between the bench and the bar at Kwale bar was therefore unhealthy because sometimes, the presiding officers felt, and this could be true to a large extent, that the Kwale bar was the most naïve, dormant and inactive in the nation.

Worst still, Kwale till date as prefigured earlier has had the unenviable status of being incapable of attracting any institution of higher learning from the Federal and State governments to meet the educational needs of the wards of the bench upon resumption. This has affected the settling down of members of the bench when posted to Kwale. The Kwale bar if recognized and registered as a branch of the Nigerian Bar Association would benefit immensely from Novena University located in the Kwale neighbourhood towns of Ogume and Amai and vice versa, the University which was partly facilitated by Chief C. O. Nwabuoeki has started a Law Programme. The Law Faculty would require a local bar to complement the activities of the faculty now and in the nearest future.

## Teething Problems

The earliest survival problems that members of the Kwale bar had had were basically from such members' communities and such communities equally deployed members of the Kwale bar to do the pernicious battles against their colleagues to standstill. There were so many such battles called disputes for lack of better nomenclature in this study and they are narrated for the purpose of this study and appeal for registration only. One such pernicious attack which a member of the Kwale bar space suffered from his native community was at Ezionum. The Counsel's country home was invaded in his absence by members of the Strike Force Division of the National Drug Law Enforcement Agency, Warri and substances suspected to be cannabis were planted by the Agency in conjunction with the Chief of the Community in the Counsel's premises while his mother was therein and the Counsel was far away in Kwale plying his profession. His mother was quickly alerted and confronted the leadership of the Strike Force Division, Shehu Mohammed, who apologized to the old woman, but later, however, the Strike Force trailed and arrested and took the petitioned Counsel from Kwale to Warri Drug Office for interrogation where he was later found to be innocent. Subsequently, the Chief of Ezionum Community was arrested and detained for several months at Kwale for giving false information to the Drug Law Enforcement Agency when it actually turned out to be that the Counsel was merely calling for the democratization of the leadership of the Community Development Association which was alleged to be perpetuating its leadership in tenure elongation and embezzlement of community funds. Dr. (Professor) O. K. Nwachukwu acted for Ezionum Community in the petitions.

Chief C. O. Nwabuokei's battles with his native Ogbagu-Ogume community were epic but two instances would suffice for illustration in this study. His desire to get the Ogbagu-Ogume Secondary School to take-off and the battle to get his community to grant land for the take-off of the Novena University were legendary. Although Chief C. O. Nwabuokei was able to

secure the grant willy-nilly through a deed, bouts of attacks came from renegade, treacherous elements opposed to the establishment of a University at Ogbagu-Ogume for some anti-intellectual reasons disguised in communal warfare. The forces stood their grounds until the noble institution of higher learning got anchored and belted at Amai in a neighbouring community and Ogbagu-Ogume lost it. A second instance was Chief C. O. Nwabuokei's defence of the poor from his Ogbagu-Ogume community which almost characterized his last days and outing to court when he appeared like 'an ancestor' in his last days when at 86, he was bandaging his body and muscles to gain traction to appear in courts. An epic battle he engaged in was the defence of three women who were involved in scavenge-greening and salvaging of old cassava farms of natives popularly called 'nkpulekeh imalaka' case.

The notorious custom was that women of a certain hue were free to scavenge old and harvested farms for leftover cassava tubers. Such leftovers were the pastimes of such women. But it was an occupation that was derided by the well-meaning and well to do in the communities. In the case at hand, the owner who had harvested his cassava tubers insisted that the three women were thieves and framed and charged them before the Area Customary Court, Kwale. The case suffered over six de-novos until the complainant died and the three women were discharged after about 25 years of attending trial during which they never failed to be present in the dock. Chief C. O. Nwabuokei was considered a bit 'eccentric' in the fighting of that case. He defended it unwaveringly till the end and never displayed any tedium in the advocacy of that custom which exists till date in his native Ogume and other Ukwuani ethnic communities.

A more recent communal attack against Counsel from his community affected ex-Commissioner E. E. Ogwezzy. It was a battle that pitched him against his biological father leading the destruction of more than 40 homesteads, 10 motor vehicles and uncountable number of human lives all running into millions of naira. It also led to massive displacement of natives and human security concerns in the community and

adjourning villages. It was basically propelled by Energia oil related conflicts arising from Community Development Committee representations. Over 40 cases were generated and regenerated from the crisis some of which are still pending at the trial courts, Courts of Appeal and judgment was delivered recently in one of the subsets of the cases in the sum of N1m as general damages for defamation of character against Chief Mgbabego, one of the prominent chiefs in the ex-Commissioner's Emu-Obodeti Community.

In the earliest foundation of the Kwale bar, there had always been teething problems in the intra-relationships between members, between members of the bar and the bench and the structural problem highlighted above. There were the tensions within the leadership of the earliest house. It was between confrontation and collaboration. While Chief C. O. Nwabuokei's ideological disposition to the bench was confrontational for he had zero tolerance for corruption and argued that the bench was helping to under-develop the Kwale legal space by refusing to ask the bench's headquarters in Asaba to develop the Kwale bench by providing for its comfort, seeing to the release of its allocations to Kwale and ensuring the building of court infrastructure, Dr. (Professor) O. K. Nwachukwu disposition to the bench was one of collaboration and mutual respect in view of the relative weaknesses of the bench and the bar in Kwale. While the bench did not play much ball with Chief C. O. Nwabuokei for some of the reasons advanced above, Dr. (Professor) O. K. Nwachukwu was highly respected by the bench in Kwale because of his mien and readiness to understand the issues involved from the contemporary Nigerian politics of minority people. Therefore, the highly respected Nwachukwu took over the leadership of the Kwale bar when Chief C. O. Nwabuokei passed on in 2010 at a ripe, old age of 86.

An incident which marred the relationship between Chief Nwabuokei and Dr. (Professor) Nwachukwu took place at the Area Customary Court, Kwale. It occurred between E. E. Ogwezzy Esq of Counsel and Iniwore Esq, presiding President of the Ndokwa West Area

Customary Court holden at Utagba-Ogbe. The relationship between the two younger lawyers had not been cordial for sometimes and a drum was tendered as an exhibit in a trial and rather than keeping it intact until the disposal of the case, the presiding officer was alleged by Ogwezzy to be using it to store fuel during the Abacha fuel scarcity years with which the presiding officer drove his flashy black benz car to court. E. E. Ogwezzy believed that it was contrary to the administration of justice for an officer to make personal use of an exhibit in a matter that had not been disposed of. A confrontation ensued and the presiding officer petitioned E. E. Ogwezzy to the Ministry of Justice alleging that the learned Counsel recruited violent APA (Adege Progressive Association) youths of Umusadege, Kwale to invade his court.

The petition was referred to the Kwale bar of which Chief C. O. Nwabuokei was the Chairman to look into and resolve if possible and report back to the Ministry. While Chief C. O. Nwabuokei who was the ex-principal of E. E. Ogwezzy saw an opportunity to rail against the presiding officer and nail him for corrupt practices which appeared to have been the remote cause of the disagreement between the two younger officers in the temple of justice, the presiding officer quickly routed for Dr. (Professor) O. K. Nwachukwu to bring up a contrary and counter report in his favour as another prominent leader of the Kwale bar and the stage became set for wrangling that was to linger for several years until the death of the two leaders as it polarized the Kwale bar and gave rise to other controversies and confrontations between E. E. Ogwezzy and Dr. (Professor) O. K. Nwachukwu. It was only time that was able to heal the empty squabbles and quarrels which affected concerted efforts to seek registration as almost everything became hitched on the imaginary divisions amongst Kwale lawyers. This state of affairs was broken down by the incursion and influence of modern technologies on legal practice at Kwale. All forms of barriers were shut down by smart phones, laptops and internet which tools opened the horizon of Practitioners. The inter-connectivity between

Kwale lawyers and bar with neighbouring branches improved tremendously.

The greatest undoing of the Kwale bar is size of its membership and the level of practice. Its practice was litigation based, regarding and revolving around family and communal lands and water disputes and its appellate practice was handled or turned over to lawyers outside the Kwale space as it was suspiciously felt that the appellate advocacy of Kwale based lawyers was weak in the beginning. A second constraint of the Kwale bar was its relationship with the bench. The bench at Kwale was itinerant. It never gave the Kwale bar the room to grow. It was treated by the bench with an arms' length, with an attitude of 'nothing good can come from Nazareth'. It was not considered vibrant, forward looking, controversial and was usually ignored in the scheme of things because the bench believed that for Kwale, 'heaven helps those who help themselves' and Kwale and its crop of early lawyers were not ready. They were alleged not to turn up for events like legal year celebrations, dinners in the cities and they were not known to organize themselves to attract relevance from outside. Theoretically they were believed to be the creation of their environment and since the environment was repugnant and enervating, they were considered 'below average lawyers' who could not grow beyond what their environment can offer or throw up. This was true to a significant extent because apart from Justice James Abadike Obi who has produced Justice Nduka Obi, the Kwale extraction has been unable to produce net-worth benchers who could swing things to the Kwale space. Even Justice Emeordi from Ogume and Ndoni in Rivers State who practiced briefly before he was made a Judge and sat at Kwale High Court, did not make matters well for the public image of the Kwale legal space because he was later indicted for corruption by the NJC (National Judicial Council) and was found to have been, earlier in life, dismissed as a Magistrate by the government of the Midwestern Region.

### **Politics of Bar Registration**

The question of the number of lawyers to practice in Kwale to form the quorum or the

bench-mark of the number required to register Kwale bar has been the foremost impediment for the official recognition of Kwale bar branch. During the period under review (1900 – 2023) the synergy between Chief Nwabuoeki and Dr. (Professor) Nwachukwu though weak, was not actually the issue, but the question of number. However, several issues that threw up the life times of this period would require elucidation in the agitation towards the registration of the Kwale branch which is the primary objective of this study.

Until recently, qualification to practice law was a critical issue in the Kwale legal space because a few incidences of impersonation were recorded in the Kwale local bar as in many other regions of Nigeria. In this kind of narrative, charity does not begin at home. In Adebayo's study on the importance, challenges and disparaging differentiation relating to the use of NBA stamp and seal (in August, 2022) his report was vivid of the cases of impersonation by Peter Akogun who practiced in Ilorin for 10 years and even won cases at the Supreme Court before he was fished out as a fake Counsel. Uche Julian Nwajiakwu and Chris Elisha were also arrested at different times at Ojo Police Station in Lagos for impersonation as legal practitioners. Chris Elisha had been in practice as a fake lawyer for more than 15 years before his arrest and Nwajiakwu had been in practice since 2015 before he was apprehended.

The first incident in Kwale had to do with a certain Mr. Andrew Okonkwo. It was believed that he had not been properly called even though he had graduated from the University of Nigeria Nsukka, when he teamed up and began to practice with Dr. (Professor) O. K. Nwachukwu and he was announced before the High Court of Justice, Kwale as a pupil Counsel. Mr. Andrew Okonkwo was very vibrant as such impostors are prone to be. He began to make 'waves' at the kwale legal space as a young lawyer and his stock in trade within the shortest possible time of his appearance was confrontation with Prison and Police authorities whenever the liberty of his client was at stake. He took his human rights cases polemically. He mastered the principles of Fundamental Human Rights Enforcement

Procedure (application for bail) so much that his practice was beginning to cause nightmares to Police authorities in Kwale particularly with respect to how long his client was to stay in custody before being arraigned in court within reasonable time as enunciated in the 1979 Constitution which he had also masterfully understudied.

Before long, it was whispered in high quarters that although he had graduated from the University as a graduate of law, he had not been properly called to the Nigerian bar before he began to present himself to Dr. (Professor) O. K. Nwachukwu's Nneamaka Chambers, Ashaka, as a pupil Counsel and when it turned out to be true, Mr. Andrew Okonkwo disappeared from the Kwale legal space. For a long time, it was felt that Dr. (Professor) O. K. Nwachukwu did not do a proper, diligent and background check of his junior before he took him up with all enthusiasm and this brought degeneration in his relationship with Chief C. O. Nwabuokei who felt appalled as the cock of the Kwale bar. But before long, Chief Nwabuokei was to become a victim of the same mischief. A certain Mr. Cletus Ogwe failed his bar examinations in Nigerian Law School, Victoria Island, Lagos but came back to join the Chineye Chambers at Kwale without going back in time to remedy his call to bar by a repeat examination for the purpose of being called to bar in the following set. Rumour later began to make the rounds that he had not been properly called to the Nigerian bar and the scion of the Kwale bar was appraised of the information to enable him interrogate Mr. Cletus Ogwe. Rather than being subjected to close scrutiny he bolted out of the stable and left his principal's Chambers and went solo.

Mr. Cletus Ogwe was so vibrant as such impostors are prone to be that he was trouncing many senior lawyers on the terrain and his specialty was land cases. He would always come forward with his writ of summons together with an interim or interlocutory application for injunction. He became so successful that he rode in brand new Peugeot 504 Saloon car. He was flashy and brash. His winning streak and success attracted the envy if not the jealousy of his colleagues and his contemporaries at his native

Utagba Uno. A serious tab was placed on him and investigations were privately carried out about him with regards to whether he was properly called to the Nigerian bar. The investigations proved positive that he was not but because of his flamboyance and 'hurt no fly attitude' he played safe until he fell out with his colleague, Dr. Osita Adah who was also a pupil of Chineye Chambers at a time before he went solo. What then happened?

Mr. Cletus Ogwe had a client that was into supply of vehicles and could receive part payments. Dr. Osita Adah then made part payment of N5,000.00 to Mr. Cletus Ogwe for his client to supply a vehicle to Dr. Osita Adah. After a long while, the vehicle could not be delivered and the supplier who had a bay at Obiarukwu vacated the shop. It became clear to Dr. Osita-Adah (a well published academic writer and practitioner) that it was most probable the payment did not reach the supplier. All entreaties to get the supplier to deliver or to get Mr. Cletus Ogwe to do a refund proved abortive to the extent that Dr. Osita Adah began to conclude that it was a case of obtaining under false pretenses and signaled the Police to investigate the transaction. When matters came to a head as to why a legal practitioner would arrest a colleague, and arraign him before the Magistrates' Court, Kwale for false pretenses, the issue whether the accused person was actually a legal practitioner and duly called to the Nigerian bar came directly into question. Sure that his private investigation at the Nigerian Law School over the genuineness of Mr. Ogwe's call to bar was positive, Dr. Osita-Adah chose to press on with his charges despite the intervention of the Chairman and Secretary of the Warri bar: P. J. O. Anigboro and A. A. Onojovwo (both were to later become Justices of the High Court of Justice, Kwale).

Mr. Cletus Ogwe was convicted after Dr. Osita Adah proved his case beyond reasonable doubt before His Worship, O. Oyagborogha Chief Magistrate who was shortly thereafter made a Judge of the Delta State Customary Court of Appeal, Asaba. Chief G. E. Odishika (of Nwananu Chambers) who defended Mr. Cletus Ogwe lost the case gallantly. Why Mr. Ogwe

could not refund a paltry sum of N5,000.00 and free himself from the entanglement remained a misery till date. However, as soon as the arraignment was made by the Police rumors spread far and wide that it was true that the accused was impersonating at the Kwale bar. He disappeared from the scene at Kwale bar. He was later to be engaged as a Legal Officer at the Local Government Service Commission, Asaba and posted to Local Government Council, Owa Oyibo and later transferred to Local Government Secretariat, Kwale. In all determination, he went back to the Nigerian Law School, Victoria Island Lagos to remedy his call to bar and equally returned to practice at Kwale bar until he later fell ill and died. He was laid in state and the Kwale bar paid him full honours and complements of a lawyer. The Kwale bar was said to be impressed by Mr. Ogwe's determination to remedy his failings on his career path.

Although these were some of the negatives in the life of the Kwale bar in the period under review, these commentaries on impersonation are being run to situate and stimulate the fact that the Kwale bar has come a long way with its vicissitudes as an association with membership deficiency. Beside few membership payment of bar practice fees was one of the greatest deficiency of the lawyers plying their profession at Kwale. As they were scanty and finding it difficult to mingle with their colleagues at Warri bar under which branch or canopy they were grouped, payment of annual practice fees by members was a serious issue. They were not known to pay their annual practice fees because the payment point which was the Supreme Court, Lagos or at best Warri bar Exco-Secretariat was way off the target. Until recently when the payment of annual practice fees became revolutionized (from the Presidency of Bayo Ojo SAN to Alegeh SAN), payment of annual practice fees was done more in breach. Even the Kwale bench did not bother Kwale bar members whether their practice fees were up to date before the members appeared in their matters. It was in later years when Justice Briki-Okolosi, a perfect gentleman Judge and stickler for order and due process, began to sit in High

Court of Justice, Kwale that the issue of payment of annual practice fees began to rear its head. By the time, the NBA had significantly put its house in order.

The methodologies that the Nigerian Bar Association has adopted in the processes of curbing impersonation and improving payment of annual practice fees revolutionized the financial activities and status of the NBA and made it a prime association across the nation and even in Africa. It helped to purge the profession of quacks and streamlined legal practice and created more jobs for the lawyers (Azu, 2015). The financial strength and purse of the association became so prodigious that it began to make the politics of its leadership and the democratic processes of electing its leadership a huge issue of credibility and national importance. Blocs and forums began to develop such as the Midwestern Bar Forum, Middle Belt Bar Forum, Odua Bar Forum, Eastern Nigerian bar Forum etc. Several branches began to team up to capture electoral votes on the basis of catchment areas and the NBA became heavily infiltrated by geopolitical issues and politics of ethnicity and religion. The NBA began to see itself as indispensable and members who had captured its administrative structures began to propound the theory of indivisibility of the entity and the compulsory membership of the association by any one that wishes to be a lawyer in Nigeria. The judicial space became awash with disputes over its funds, its structures and its organs. Interest in the association became rife to the extend the judiciary got entangled as to whether the Association was established to regulate the activities of all legal practitioners called to the Nigerian bar and that membership of the Association was compulsory as held by *Nimpar JCA in NBA v. Kehinde (2017) 11 NWLR (Pt. 1576) 225*.

For Falana (2020) the notions and decisions reached in *NBA v. Kehinde (supra)* are erroneous. NBA was founded in 1900 as a friendly society to protect the interests of Nigerian lawyers then led by Sapara Williams the first Nigerian lawyer. It is rather such other bodies like the Legal Practitioners Disciplinary Committee, the General Council of the Bar,

Legal Practitioners' Privileges Committee and Body of Benchers that are statutorily empowered to regulate the activities, affairs and conduct of lawyers in Nigeria and of which the NBA has representations. Falana demonstrates further that since the NBA recognizes the existence of such bodies as the International Federation of Women Lawyers, National Association of Democratic Lawyers compulsory membership of NBA is a relative term in the light of sections 39 and 40 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) citing the popular case of *Agbai v. Okogbue* (1991) 7 NWLR (Pt. 204) 391. Arguing polemically that membership of NBA is voluntary Falana characterizes as anathema holdings (whether judicial or academic) that membership of NBA is compulsory campaigning on the authority of Irikefe CJN in *Ekperokun v. University of Lagos* that the freedoms guaranteed in the Constitution should not be treated with levity except the country wants to go fascist.

Falana argues that such predilection to put forward the NBA as a compulsory association can be situated in the military past of the country which the judiciary had helped to propagate and foist on Nigerian lawyers otherwise no Nigerian lawyer can be compelled to belong to or not to belong to an association. A paper by Ameh (2022) completely demonstrated the point that Falana was canvassing. In the paper, Ameh submitted that the formation of a splinter group called the Law Society of Nigeria by Kunle Ogunba SAN was an affront on the decision of Justice R. O. Odugu of the High Court of Justice Enugu State which had held in a suit filed by Ben Oloko that 'it is compulsory for every lawyer called to the Nigerian bar to become a member of the NBA.' Ben Oloko had argued in the suit that NBA was a voluntary association and had no powers to increase practice fees. Ameh submitted frankly that the holding of Justice Odugu was actuated by the desire 'to block lawyers from defecting from Nigerian Bar Association.' Yet, in 2020, another splinter group led by Adullbasit Suleiman reared its ugly head with the name: New Nigerian Bar Association NNBA. Informed by the National

Executive Committee's disinvite of Governor El-Rufai to give a keynote address in a national conference due to human rights violations across communities in Kaduna State, the NNBA which was later alleged to be supported by the Attorney General of the Federation, Malami SAN, argued that they were appalled by the 'poor welfare conditions of lawyers under the NBA and the partisanship of its leaders.'

The New Nigerian Bar Association claimed that the NBA has been overtaken by a cabal of less than 100 persons running the affairs of over 200,000 lawyers benefiting themselves and shortchanging all other Nigerian lawyers (Olufemi, 2020). In practical terms, the NNBA believes that the majority is not benefiting from the activities of the NBA or is it being protected yet it compulsorily pays its dues to NBA to squander annually on frivolities. NNBA therefore can into existence to check the excesses of the NBA and give it healthy competition and a run for its name and money in other to drive change in the legal space in Nigeria which the NBA has woefully failed to do. It was the spirit behind the NNBA that propelled the Attorney General of the Federation to unilaterally and illegally stop the payment of practice fees by suspending the relevant sections of the law that regulates the affairs of the Nigerian Bar Association. Although the unilateral action of the Attorney of the Federation as the Chairman of the General Council of the Bar was later annulled by court, many lawyers have been suffering in silence across Nigeria due to the activities of the Nigerian Bar Association. In a legal space like Kwale which has been historically known all over the world, the recognition of its bar branch has been a thing of misery and regret for members who ply their profession there.

According to Unini (2019) many lawyers would have liked to disengage from the association or 'denounce it just for the fact that being a member...comes with little or no benefit at all.' They have come to the realization that 'it is a waste of time.' They have come by the feeling that the NBA which ought to have been a strong voice in the country is a toothless bulldog and does not hearken to their aspirations of being



registered at Kwale. Rather, what they have come to realize and which is largely true, is that the association is high-jacked and divided along tribal and religious lines. They argue that ‘they get little or no value for whatever they spend in the form of payment’ of annual dues and fees. They opine that even members who participate in annual conferences return with regrets and complaints that the outings are ‘not worth a handbag they come back with’ as members of the largest bar in Africa. They argue that the obsession for bar activities is in the region of monetary gratifications and duplications in the face of monumental challenges facing the bar particularly infrastructural deficits in terms of furnishing of local courtrooms which are disturbing across the kwale legal space.

Unini (2019) in a report on *‘What are Nigerian Bar Association (NBA) branches doing with their funds?’* raised further pertinent questions which lawyers have been unable to find answers from the NBA such as accounting for how NBA money is spent, how branch dues are remitted to them from the NEC, welfare of young and old lawyers who have a strong feeling that they are left behind ‘in the big plan.’ Places like Kwale that ought to be registered but which have not been captured ‘in the national big plan’ have also stared the ‘world of truth and denial’ in the face. According to Falana, it was the loss of focus on these critical issues which the association suffered in recent history that led to the emergence of such splinter groups like Social Economic and Accountability Rights Project, Committee for Defence of Human Rights and Civil Liberties Organization which have steadfastly taken up the fights that NBA was ‘destined’ to engage in. He argues that the NBA is currently in the hands of the cabal of lawyers who have institutionalized the biennial imposition of national officers through e-fraud elections and have even infiltrated the branches with the virus of vice-like grip on their leaderships sometimes imposing care-taker committees.

It was in the mist of these circumstances that it dawned on Kwale legal practitioners that there was the need to become an officially recognized branch of the NBA because its existence had

hitherto been irregular. Debates began to crop up among lawyers from the Ukwuani ethnic space who live in diverse places and cities across the country like Port Harcourt, Lagos and Abuja; and even in Diaspora to see to the regularization and creation of the Kwale branch of the Nigerian Bar association. Their postulation was firstly that to bear the name ‘Nigerian Bar Association, Kwale Branch’ was inappropriate and ‘illegal’ because there was no such recognition in the official database of the NBA national and as such, the word ‘branch’ attached to it must be dropped for ‘Kwale Bar Forum’ with which it may become clear to NBA national that Kwale was a candidate for recognition to be created or recognized and registered as a full-fledged branch. This ‘dummy’ was sold to Kwale bar after the national body had so revolutionized its payment of annual bar practice fee that no lawyer could appear before a court of law without having paid the annual practice fee.

The NBA in the Alegeh SAN led tenure went further to design an individual lawyers’ identity seal with year of call and Supreme Court call number on the seal. Payment became possible through electronic means and the ease of doing business became applicable to the payment of legal practitioners’ annual practicing fees online. Issues surrounding impersonation and evasion of payment of practice fees became things of the past although there could be some pockets of breach where some lawyers may decide to ‘loan their seals to colleagues’. But on the whole, no Counsel could file any legal process without his seal and when issues began to brew over it, the Supreme Court in *Yaki v. Bagudu* (2015) 18 NWLR (Pt. 1491) 288 ruled that it was a mere irregularity which could be regularized by the defaulting Counsel who fails to do so; otherwise, it could appear that the Counsel was impersonating. With the vast capture of lawyers on the national financial database of the NBA, its strength in population and finance exploded beyond compare such that other National Associations like Nigerian Medical Association took a clue from the NBA and queued behind it in similar payment structures, stamps and seals.

But as demonstrated by Amadi (2020), in present times it seems the Nigerian Bar Association is

losing its influence and is nowhere near where it used to be held in high esteem in the administration of the Nigeria ship of state. The place of high regard which lawyers were previously placed in the socio-political development of the country has been dismantled. NBA is no longer sought after by the government policy institutions to shape public policy for the simple reason that the body no longer leads. 'It is now the patrimony of senior lawyers who are focused on huge professional fees and large clientele instead of public policy, rule of law' and the dragging of members in the fringes into the mainstream of the association. It ought to make itself attractive in the struggle for democracy and development and be bothered that many of its members are not cultivated into recognizable groups in the developing centers of population in Nigeria like Kwale. The fact that it has lost integrity in recent years and has been largely unconcerned about the registration of more branches across the country believing that its current number of branches is enough for it to rest on its oars is a significant sign of an association which has reached its apogee and has commenced the process of decline. The role being played by the surrounding branches to kwale like Warri, Ughelli, Oleh, Agbor and Asaba has left so much to be desired. If they have been established because they are large in population nothing stops them from proposing and giving overwhelming support for the recognition of Kwale branch.

Ibekwe (2013) has also reached some considerably damaging report on the internal affairs of the Nigerian Bar Association with respect to how its internal government, its relationship with its employees and how they are poorly motivated and how work ethics thereat are far below expectation. Though the report was made in 2013 about ten years ago, it is hoped that the moral compass, ethical sanity and accountability in NBA's official setting have returned to the organization that this study is appealing to for recognition for nothing is worse than an organization whose outward posture is in glitters but internal workings do not meet basic international thresholds. In the 2013 investigative findings, Ibekwe indicts: 'while

NBA tries to collect revenue from members, the funds are poorly managed.' Despite the best intensions of its workers at the Secretariat, its dominant work ethic is informal; important instruction concerning work is transmitted orally and the morale of its staff is next to zero. The shoddiness of the Secretariat has undermined the processes of professional discipline in the legal profession in Nigeria. This is so much so that the finding on the health of the Association indicated that it had 'an unclear mission and an insecure future.' Worst still, the findings reported that because the association had failed to explore other ways of getting funding other than dues, it is 'dangerously dependent on big envelope donations from politically exposed persons' who were then potentially in position to dictate the organization's programmes and or interfere in its processes.

### Why Not Kwale?

As soon as the events reported in the preceding paragraphs began to occur, the Kwale legal space became agog with the desire to be officially recognized but the more it tried to do so, the more it was beguiled and shortchanged by circumstances beyond its control and compare. All manner of bottlenecks has come to be placed between Kwale bar and its registration. So many brands of arguments have been canvassed and pushed against Kwale bar registration. It has been demonstrated that year in year out, the criteria for registration had been varied depending on the disposition of a particular national leader of the bar. First, it has been made to appear at a point in its history that not less than 15 lawyers could form a branch during the lifetime of its founder, Chief C. O. Nwabuokei and spirited efforts were made by the legal titan to beef up the number of Legal Practitioners resident at Kwale. As the number was approaching the marked point, it was said to have been increased to 25 during the lifetime of Dr. (Professor) Nwachukwu who took over the mantle. Further efforts were made to make the Kwale legal space attractive to Legal Practitioners of the ethnic area to show interest to relocate home and join the local bar.

Many lawyers took advantage of these clarion calls especially with the mushrooming of mineral oil companies in Kwale. Such great Legal Practitioners included but were not restricted to Chief Francis Obigbor who relocated from Lagos. His law office has the state of the arts on law and has been vast in publishing reports known as Superior Court Reports of Nigeria SCRNs which is still in the market. Chief Kenneth Oseji also followed and relocated from Lagos with the finding of Pillar Oil Nig. Ltd. Lucky Onyenajuwa equally relocated from Abuja to Kwale and established a formidable team with his relation Chief C.T. Onyenajuwa. Chief Nnamdi Osadebe from Okpokirika on the River Niger and author of *Security Law in Nigeria* also relocated from Lagos to establish his practice in Kwale. His Royal Highness Oghenejabor Augustine equally retired as a Director from the Ministry of Justice, Asaba to open his Chambers along the now busy Warri-Asaba Expressway. L. C. Ojugbeli also retired from the Nigerian Prisons Services to join Dr. (Professor) O. K. Nwachukwu briefly before setting out on his own. Ex-Commissioner E. E. Ogwezzy is another vibrant legal Practitioner on the Kwale terrain since his call to bar more than 25 years ago. Hon. Tony Uti (Igboba of Aboh Kingdom) has long made the list of legal Practitioners in Kwale after administering the Ndokwa East Local Government Council for a few years during which he broke the jinx of building a Local Government Secretariat within record time on Aboh terrain. Hon. C. E. Egri-Okwaji of Umuseti quarters, had been a household name in Kwale legal practice and had equally ran the affairs of the Ndokwa West Local Government Council as Chairman of Council and Chairman, Delta State Library Board. The list is endless for the purpose of this study.

The argument that there are too few lawyers in Kwale to mark up the required number to establish a branch of the Nigerian Bar Association is no longer tenable. The argument that even the few that exist in the space as resident lawyers do not pay their annual practice fees to the national body to deny them a branch is no longer flying. The argument which has also been put forward during the times of Chief C.

O. Nwabuokey and Dr. (Professor) O. K. Nwachukwu that the Kwale based lawyers do not meet and as such have not developed the potentials of an independent branch also been stultified by the establishment of a vibrant forum and WhatsApp Group that can be easily investigated and confirmed. Through the group, all lawyers of the Ukwuani ethnic space around the world have keyed into the group and have continued to agitate for Kwale branch registration. An ancillary argument that the lawyers on the Kwale terrain have not been forthcoming and active in bar activities like attendance at national conferences and legal year celebrations have equally been laid to rest. While it has also been an allegation that the Legal Practitioners of the space have not been throwing up their weight by organizing internal activities and drawing the attention of the civil public to the non-recognition of the space by critical stakeholders of the Nigerian Bar Association; that they have been docile like its political leadership generally to conduct biennial elections to elect credible members of its local executive and getting engaged in workshops, seminars and continued legal education, and legal projects like a Law Centre for the branch that is fully equipped, the fact of its grapple with registration and the quicksand nature of the policy environment and requirements placed before it and its present leadership have not help matters.

An association of the stature of the NBA should not rest on its oars nor should it make the creation of branches become a chase of will-o-the-wisp. Because of the disposition of the NBA national towards the registration of the Kwale bar, a number of third party advocacies have cropped up in confusing nature. One of such seemingly critical and often cited criteria is sponsorship of the Kwale branch registration by an existing branch such as Warri, Ughelli, Oleh, Agbor and Asaba. These various branches have been approached and flirted with from time to time to take up the case of the registration of the Kwale branch of the association but to the greatest consternation of legal Practitioners in Kwale, none of these branches have taken the bull by the horns rather, they look towards

Kwale as a buffer zone to poach to beef up their membership. They play divide and rule, hide and seek games with the soul and body of Kwale bar. At all critical times and levels, it looks as if the Kwale town should remain 'a cursed town' that has failed on all other social development indices as allegedly invoked by Chief Obafemi Awolowo in one of his campaigns during which the western region leader was allegedly stoned at Kwale township stadium.

The Oleh branch for instance looks up to Kwale lawyers to leave Kwale to attend nocturnal meetings at Oleh to return in the night or to lodge in hotel at Oleh for the night in these security challenging times. When there are social activities and Kwale lawyers are invited, they may readily attend but when there are social activities for kwale lawyers, for instance, valedictory sessions for a dead colleague, the Oleh branch shuns them and advance such hypocritical arguments portraying superiority of Oleh branch and lawyers over Kwale bar forum and lawyers. Many times, when a Kwale lawyer is to be laid to rest and the Oleh branch which is closest to Kwale is pleaded with to inform the Honourable Chief Judge of Delta State for the use of the Court hall of High Court of Justice, Kwale for lying in state and other valedictory compliments, the branch often declines and become fond of canvassing the argument that the particular lawyer never attended its meetings as such, it did not lie in the remit of the Oleh branch to inform the Honourable Chief Judge for such official issues apart from its refusal to show up. Often, it had taken the painful intervention of a senior lawyer like Barrister Nma of Asaba branch to speak to and obtain the permission of the Honourable Chief Judge for a valedictory session to be held for his colleague and friend Chief G. E. Odishika (late). Such underhand treatments from sister branches have to a large extent come in the way of the desire of Kwale bar to be recognized. Branches are not eager to sponsor neighbouring legal spaces and places to become branches. A branch is like an empire eager to absorb neighbours than desiring to separate into more empires; and this is unhealthy for the emergence of the Kwale bar.

### Why a Kwale Branch?

What then does a place like Kwale stand to gain or stand to lose by becoming or not becoming a branch of the NBA that should necessitate the clamour and glamour for its registration by this study? By section 13 of the Nigerian Bar Association Constitution 2015, there shall not be more than one branch of the association in any Judicial Division of the High Court of any State. A branch of the association shall consist of not less than 50 registered members who have their principal places of practice or residence within the Judicial Division where the branch is situated. No member shall belong to more than one branch. A member of the association residing in a place that does not have a branch shall register in the place closest to him. An application to register shall be signed by not less than 50 members submitted to the General Secretary and NEC shall approve if satisfied. Where membership falls below 50 NEC can withdraw registration. NEC can dissolve a dormant branch if after three years there is no election and conduct of fresh election. Every branch shall hold monthly meetings and every branch shall forward a programme and record of its quarterly activities to General Secretary. Every branch shall have a Chairman and Secretary with its uniform byelaw. Branches can impose levies or subscriptions to defray its expenses and keep up-to-date list of members (Abiola, 2019).

Although it is the duty of the lawyer to observe the rule of law, promote and foster the cause of justice, maintain high standards of professional conduct and portray the legal profession in a good light and pay his practice fees and dues not later than 31<sup>st</sup> March of every year, there are no limitations on lawyers advising on any subject matter in Nigeria. A lawyer once admitted to the Nigerian bar is qualified to practice anywhere in Nigeria without any restrictions whether by practice area or territory (Efobi & Ofagbor, 2023). This study has already come across the triple goal of a branch of the NBA in several communications on the issue to be human rights, rule of law and good governance. Human rights are 'any basic right or freedom to which all human beings are entitled and in whose exercise

a government may not interfere including rights to life and liberty as well as freedom of thought and expression and equality before the law. Civil rights and pursuit of happiness are extensions of it whether fundamental or not. Human rights are guaranteed only where there is rule of law which is a 'state of order in which events conform to law'. Good governance is the only dispensation that can guarantee human rights and rule of law.

Although the trinity goals that have been enunciated for the branches of NBA are broad and at large, it is necessary to restate that the governance of an association like the NBA is responsible to its members. It must hearken to the aspiration of its members in the first instance before the pursuit of goals that are at large. The aspiration of the legal Practitioners plying their profession in Kwale is that having been enabled to key into the national platform where they have been meeting their obligations of payment of annual practice fees and branch dues, having been shown to be meeting monthly and regularly, having established a governance structure with respect to the said monthly meeting and having opened an internet platform that has captured all their colleagues at Kwale and across the country and importantly, having met the required number of lawyers resident in a place before a branch can be registered, they have proceeded to demonstrate the following.

First, Kwale represents Ukwuani ethnic minority in the Niger Delta with three large Local Governments. It has a budding Faculty of Law at Novena University, Amai Campus which needs the NBA to complement its activities. Faculties of Law and the NBA branches close to them ought to pay attention to the industry as to the competences and skills most in demand in the legal services environment, the synergy between the NBA and the Faculty of Law of the University close it cannot be over emphasized (Anaba, 2012). The population of the Kwale town is growing at a speed that is unprecedented stretching out to join Ashaka on the first flank, Emu on the second flank, Ogume on the third flank and Obetim-Afor on the third flank.

Secondly, Kwale bar branch registration had and still has the sympathy of lawyers who are not

particularly resident as practicing legal Practitioners but in government, civil service, business and academics such as Senator Patrick Osakwe, Barrister Chris Osakwe (ex-Chairman, Ndokwa West Local Government Council), Solomon Ajede (Chairman, Ukwuani Local Government Council), Chief Tony Uti (ex-Chairman Ndokwa East Local Government Council) Chief (Barrister) Chidi Egwenu (World Class Legal Practitioner in Oil & Gas), Hon. Barrister Sam Osasa (ex-Member, House of Representatives), Dr. Eugene Okolocha (ex-Member Delta State House of Assembly) Professor C. Okolocha, Barrister Leonard Anoka (ex-Commissioner, DESOPADEC), Rt. Hon. Barrister Olisa Imegwu (ex-Speaker, Delta State House of Assembly), Barrister Vicar Oguafor, Barrister Prosper Esegbue (Political Activist), Barrister Leonard Eke, Dr. Kingsley Ashibuogwu (ex-Commissioner for Higher Education), Barrister Hessinton Okolo (Political Activist), just to mention a few on the fingertips of the researcher. On the bench, Kwale bar has the recommendation and sympathy of Hon. Justice James Obadike Obi (Rtd.) and Hon. Justice Nduka Obi.

In Kwale legal space, internal wrangling within the era of formation of the bar forum contributed more to the cause for its non-registration. The collective desires of the founding fathers were weaker than the resolute desire to present a common front and this research shall endeavor to capture these wrangling perspectives only in relevant details bearing in mind that in all human societies and associations, there are bound to be such tendencies to agree or disagree because opinions do not always tally in the Kwale legal space. Because the Ukwuani ethnic nationality has three Local Government Areas as already stated in the course of this study, Chief G. Esumike who was coordinating the Obiarukwu axis in Ukwuani Local Government Area, Dr. (Professor) O. K. Nwachukwu who was coordinating the Aboh axis of Ndokwa East Local Government Area and Chief C. O. Nwabuokeyi who was coordinating the Kwale axis of Ndokwa West Local Government Area could not put their arts (or acts) together due to old age and agility. They

had already arrived their 80s to 90s before the young crop of lawyers invaded Kwale and grew up in number on the terrain to hit the number required by the Practice regulations for the recognition and registration a branch.

But like all human set ups and structures, the choice of Kwale against Obiarukwu and Aboh was within the subterranean issues for why the Kwale bar has suffered traction. Obiarukwu resident lawyers were as many in number as the lawyers resident in Kwale but have not been openly willing and ready to give Kwale the nudge and head start for leadership as first amongst equals. They have been more intent on finding an independent bar that could go for the name, Nigerian Bar Association, Obiarukwu branch. They see the desire of Kwale to take the lead as a sale of birthright because they looked around themselves and appraised the battle grounds and may have concluded that they had the same potentials to be a branch that Kwale had if not more. They see themselves and Obiarukwu within the praxis of Agbor-Obiarukwu-Abraka-Ughelli-Warri-Sapele corridor with as much human traffic on the corridor as Asaba-Kwale-Ozoro-Oleh-Ughelli- Warri corridor. What Kwale may have gained in terms of presence of vast number of oil companies (which are still moving in droves into kwale with the large Ogbeani-Lagos-Ogbe gas plant between Ogume and Kwale) they think they may have gained in Novena University, Amai and Delta State University, Abraka. With younger leaderships from the Obiarukwu bar in the likes of Chief (Sir) E. I. Adoh Ogbuta and Happy Ijeoma Esq who have been elected to lead Agbor bar from Obiarukwu axis, resident lawyers at Obiarukwu have not always been in sympathy with the aspiration of the registration of the Kwale branch.

Indeed, a close watch over the years on the leadership of Obiarukwu resident lawyers (since the demise of Chief Gabriel Esumike) betrays the scheme that they have surreptitiously pulled the carpet off the feet of kwale bar or better still, they have taken the wind out of the sail of Kwale bar. Since they have become exceedingly comfortable to associate and ascend to the highest leadership position in Agbor branch, the

quest for the registration of Kwale branch is ‘a no go area’ for Obiarukwu in terms of strategic maneuver or importance. Therefore Obiarukwu resident lawyers like Chief (Sir) E. I Adoh Ogbuta, S. O. Agbede, J. H. Ijeoma, Limbry C. Ugbo, Solomon Ajede, High Chief Ben Ijeoma, I. S. Ekeruche, Solomon Ojuma, Barrister Uduma, Barrister Eseka, Barrister J. Egwali, P. I. Nwachuku, M. O. Ulorkiweri, S. U, Ediwe, C. Kaine, C. S. Ocheli, S. Eneke, S. A. Uwadinsu, Mrs. Ugboh, Barrister Ambrose Egwunatum, and Urhonigbe (Miss) etc who would have naturally swollen the ranks of those in Kwale to give it safe conduct through a registration process have been largely dissuaded from looking towards the direction of Kwale but have been made to see Agbor as a better foster father which may sponsor Obiarukwu bar in due season.

It would thus be necessary to highlight the point that while the relationship between Obiarukwu resident lawyers and Agbor bar is exceedingly cordial as Obiarukwu has regularly produced the leadership of the Agbor branch, same cannot be said of the relationship between Kwale resident lawyers and Oleh branch of the Nigerian Bar Association. In fact an attempt in recent history by a vibrant Kwale based human rightist, Chief N. O. Enumah, to contest for the leadership of the Oleh branch was not only defeated by the refusal of some prominent Kwale lawyers’ support, the Oleh branch ensured that ethnicity played the dominant role in the campaigns and voting pattern and Oleh resident lawyers being in majority in the branch voted against the aspiration of Chief N. O. Enumah and he came out of the contest disillusioned. The event further de-shined the relationship between the two groups of Kwale and Oleh unlike Agbor and Obiarukwu. A better scenario that could have saved the situation would have been the rotation of the position of Chairman between the two groups as done in Agbor-Obiarukwu axis. Although in the course of this research no template of Nigerian Bar Association, Obiarukwu or better still, Obiarukwu Bar Forum, was broached the template exists ‘clandestinely’ as admitted by P. I. Nwachukwu

Esq who was interviewed at District Customary Court premises, Abbi.

The lawyers of Ndokwa East Local Government Area are also known to have a hidden agenda of floating an association or group they often refer to as the Ndokwa East Lawyers' Forum. It is usually resorted to whenever an agenda peculiar to Ndokwa East is to be prosecuted. It was constantly deployed by the founder, Dr. (Professor) O. K. Nwachukwu as a handmaiden in the political war chest of Ndokwa East lawyers. It has been used on several occasions but two would suffice for the behavioural pattern of associations covered in this study. When the criteria for the registration of a branch was floated during the leadership of Dr. (Professor) O. K. Nwachukwu, as being the 'attendance of resident lawyers in Kwale at the Annual National Conference' and it was slated to take place in Calabar, campaigns took the spaces for the Local Government Councils through their Chairmen, to sponsor lawyers to give the needed impression that a branch existed or was feasible or was visible in Kwale. Delegations were raised to visit the Chairmen of the three Local Government Councils and two (Kwale and Aboh) responded positively. Ndokwa West delegation had Barrister Andrew Oyemike, Head Legal Services Units of the Ndokwa West Local Government Council in the team that approached Barrister Egri-Okwaji who raised N100,000.00 for the Calabar Annual National Conference. Ndokwa East delegation pulled out N300,000.00 from Hon. Chike Ugummadu, Chairman, Ndokwa East Local Government Council.

The total sum of N400,000.00 was expected to come into the purse of the Kwale Bar Forum accordingly but it did not. As soon as the N300,000.00 from Ndokwa East landed the table of Dr. (Professor) O. K. Nwachukwu it was speedily disbursed under the auspices of an application by Ndokwa East Lawyers' Forum and all subsequent efforts to streamline the fund into the purse of Kwale Bar Forum was shunned and vehemently opposed by them. However, the Secretary-General of the Kwale Bar Forum, Barrister E. E. Ogwezzy (ex-Commissioner in the Government of Delta State) had proceeded

ahead to Calabar on the understanding that sponsorship was to come from the funds but that was never to be. Dr. (Professor) O. K. Nwachukwu, thought otherwise. He took the N300,000.00 for mere cash donation to lawyers of Ndokwa East Local Government Area of origin and expected that the N100,000.00 was equally a mere cash-pull-out-gift to lawyers of Ndokwa West Local Government Area of origin. Spirited efforts by the Chairman of the Kwale Bar Forum to correct the decision of the Leader (Dr. (Professor) O. K. Nwachukwu) proved abortive. The Chairman who had sought the support of members for the use of the fund to pursue a registration drive that had had an application for registration submitted to Charles Obegolu SAN, then Secretary-General of the Nigerian Bar Association, did not gain the support of the members and he subsequently resigned seeing that there was no headway in the uniform act of the members of the bar at Kwale.

After the demise of Dr. (Professor) O. K. Nwachukwu, Ndokwa East Lawyers' Forum continued to exist. The structure was inherited by Hon. Chief Tony Uti, an ex-Chairman of Council in Ndokwa East; a grass-root mobilizer. The Forum was used, for instance, to mobilize huge funds across the nation and Diaspora to renovate the High Court of Justice, Aboh preparatory to an assignment of a Judge to the Court but the Ministry of Justice and the Chief Judge of the State could not go ahead to do so because of the perennial flooding of the Aboh country and the refusal of Judges to agree to resume there. It was considered that Kwale was in the fringe but Aboh was off the mark in an era of insecurity when Judges had become prime targets of marauders in the Mangrove swamp forest of the Niger Delta. The spirit of the Ndokwa East Lawyers' Forum is always there, latent and hibernating, and can be readily called into use at the shortest notice the Ndokwa East Lawyers want to spring a surprise in mischief to Kwale Bar Forum.

But the Kwale bar is suffering (exceedingly) more from environmental factors that have been sufficiently identified in this study as lack of development of the Government Reserve Area (GRA), acute shortage of electricity in the face

of large scale oil and gas plants, lack of institutions of higher learning. A School of Industrial Technology that was approved by Professor Ambrose Ali government of Bendel State never saw the light of day; a Delta State Polytechnic, Kwale that was to be approved for Kwale was allegedly lobbied and taken away as School of Physical Education, Mosogar during the regime of ex-Governor Chief James Ibori; the Delta State Polytechnic, Aboh (near Kwale) which was approved by ex-Governor Uduaghan also never saw the light of the day as it has been smeared down in the politics of annual flooding of the Aboh country; the Federal University of Agriculture approved for Aboh during the regime of out-going President Muhammadu Buhari has also been smeared down by the same campaign against the annual flooding of the Aboh country. The Federal University of Medical Sciences recently approved by the same out-going President Mohammadu Buhari has become the current trophy on the Kwale space. In an era of serial disappointments, the Kwale legal space is looking at the gift-horse of the University of Medical Sciences in the mouth.

Government infrastructural decay and flight of funds statutorily allocated to the Kwale Judiciary sector which never find their way to Kwale is also partly to blame. Even when development agencies like DESOPADEC (Delta State Oil Producing Agency Development Commission) donates projects like Archives and Exhibit Building Structure their foundations are normally laid and thereafter abandoned because the Judiciary does not go around on inspections of these projects and hardly the courts. At the Area Customary Court, Kwale the Court House is an eyesore, a complete expression of how decay has eaten up the 'grass-roof court house.' When a second High Court was approved for Kwale bar, the task of having to fully furnish the court house was borne by the Kwale bar as a condition precedent imposed by the Chief Judge of the State for the approval and take of the court with a presiding Judge. The bar and bench relationship at the Kwale legal space has been largely weak and affected by these environmental factors. Where even a Magistrate finds it extremely difficult to reside within jurisdiction

due to these monumental challenges of comfort and security, the town would be a 'no no' for a judicial officer of the status of a Judge. This has made the business of the courts in Kwale busy put also epileptic. Judges have started to choose when to come to court. All over the Kwale legal space, the courts do not sit from Mondays to Fridays in the week. Presiding officers have now resorted to sitting twice a week and taking away the remaining three days of official work as holidays and no questions are raised from any quarters. The advent of insecurity, lack of electricity and housing provision in the GRA have predisposed the bench to all manner of excuses for not sitting for the five working days in a week. Indeed, if they are to sit for five days in a week, half of the time would be eaten up by their having to be on the hazardous and insecurity infested roads.

The off-and-on or itinerant nature of the appearances of the bench at Kwale courts has left much to be desired and had equally been responsible for the non-recognition of the Kwale bar. It is notorious that most lawyers and Judges do not belong to other associations and social clubs. It is therefore, rather obvious that the bench and the bar are not only married to the legal profession but are indeed fused as members of the same family. But because of these perennial environmental challenges, Judges do not live in Kwale. Even when some like F. Owho J. and Jaloho-Williams J. had had the uncanny determination to live with the people of Kwale, their attempts were greeted by the natives with so much negative publicity heaped on them that subsequent Judges did not want to live with such unfriendly people who thrived on rumour and personality gossips. The gossip mill in Kwale legal space is so rife because of a scanty population and the near absence of a cosmopolitan GRA outlook. It has been argued in some quarters that in fact, Kwale, until recently, is so averse to reception of strangers or visitors that the life of any resident Judge in Kwale would be marked with reprobate gossip. It happened to all Judges who had found the love of the scenic quietude of Kwale legal space enticing to stay only to discover that behind that veil of friendship from the people is their



pernicious determination to undo one another as a people before such Judges in their petty cases before the courts. The Ukwuani people are by nature weak before the law. They abhor being brought before the justice system even as they are known to be notorious in breaching legal precepts. They would prefer to influence decision making and prevail in any dispute they are confronted with than wait for the truth to be pronounced upon against them. They are poor but quick to seek means to subvert the course of justice. All their well-known judgments from the Supreme Court have had the traces of having to undercut or overreach their opponents (who usually are their relations or neighbours) through influence peddling and bribery.

## Conclusion

At Kwale bar, at the conclusion of this study, the following legal Practitioners are resident and practicing on the legal space: (1) Dr. C. O. Okwelum, (2) K. C. Oseji, (3) A. S. O Anowu, (4) I. S. Ekeruche, (5) Chief Chike Anwah, (6) L. O. Onyenajua, (7) G. A. Oduogwu (Mrs.), (8) V. C. Okpufe, (9) L. O. Ojugbeli, (10) J. H. Ijeoma, (11) Chief N. O. Enumah, (12) P. I. Nwachuku, (13) E. C. Tabowei, (14) A. C. Ogbolu, (15) F. I. Obigbor, (16) Chief C. T. Onyenajuwa, (17) F. E. Aghaoyibo, (18) K. C. Olise (19) C. A. Akpe, (20) Odhomor Godspower (Mrs), (21) Gloria E. Ogbolu (Mrs.), (22) Chief Ben. Ijeoma, (23) Ikechukwu Ojji, (24) E. J. Ekwebelem, (25) O. K. Agbonze, (26) E. E. Ogwezzy, (27) M. O. Aghaoyibo, (28) E. O. Isokpan, (29) Gift I. Nwodu, (30) Chief Andy Achugbue, (31) N. T. Ogudu, (32) S. C. Ojumah, (33) Solomon Ojuma, (34) Jude Itedjere, (35) Jindu J. Anigabor, (35) P. M. Akpovona, (36) Augustine Owele, (37) B. A. Alonu, (38) Cletus Azukpo, (39) Joy Atarhiyere (Mrs.) (40) Esther Ogege (Mrs.), (41) P. N. Uzor (Mrs.), (42) Chigozie Uwazie, (43) L. E. Enafoma, (44) Chief Tony Uti, (45) Ben Elu, (46) R. A. Edeme, (47) H. C. Olise, (48) C. Oshilim, (49) Hanson N. Olise, (50) L. C. Achudume, (51) G. G. Saro, (52) Chief Nnamdi Osadebe, (53) Benson Nduka, (54) S. O. Agbede, (55) Chief (Sir) E. I. Adoh Ogbuta, (56) Dr. Osita-Adah (57) E. C. Egri-Ogwaji, (58)

Vicar Ogwuafor, (59) Solomon Ajede (60) Hon. Sam Chukwuji, (61) Hon. Victor Mbanugo, (62) Barrister Jeslor Ndukwe, (63) Barrister Olie (64) Barrister Emmanuel Ojji, (65) Barrister Madu (66) Barrister Ken Onwuka, (67) Barrister Ochonogor-Ochibe (Mrs.), (68) Barrister Oduma, (69) Barrister Ogbolu (Jr.) (70) Barrister Onyenike, (71) Barrister Emmanuel Uti, (72) Barrister Eka Iloma, (73) Barrister S. Ogokuni, (74) R. A. Isama, (75) Barrister Kubosu, (76) M. A. Onyia, (78) Barrister Nmaduabuchukwu, (79) Julius Ezimadu, (80) A. O. Oyemike, (81) Divine Agbeyi, (82) Rita Ikoko, (83) Fidelis Nzete (84) Frank Ogaga, (85) Lucky Onyefunehi, (86) Clifford Ndego, (87) Martins Oyem, (88) G. A. Oduogwu, (89) Jahswill Iwe, (90) Duweni Esq (91) G. Ojich Esq.

## Recommendation

The Nigerian Bar Association should register Kwale branch.

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