

# ***Pro Bono Practices and Opportunities in Nigeria***

## ***Excerpt from: A Survey of Pro Bono Practices and Opportunities in Selected Jurisdictions***

September 2010

Prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**

This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

@ Copyright 2010. All Rights Reserved.

This chapter examines legal aid and its development, and describes the current *pro bono* system in Nigeria, including the governmental and legal infrastructure of the country, affecting *pro bono* practices and opportunities.

## **I. *Legal Services and the Legal Profession in Nigeria***

### **A. Specificity of the Nigerian Legal System and Profession**

Nigeria is a federal republic, divided into 36 states and 1 federal capital territory.<sup>1</sup> Each state is divided into counties, called local government areas; there are 774 in total.<sup>2</sup> Local government is, therefore, the third tier of the administrative structure in Nigeria, besides the federal and state ones.

Thus, the current Nigerian Constitution, which came into effect on May 19, 1999, provides for:

- a National Assembly, composed of a Senate and of a House of Representatives at the federal government level;<sup>3</sup>
- a House of Assembly and a governor for each state at state government level;<sup>4</sup> and
- local government councils to govern at local government level.<sup>5</sup>

In addition to this three-pronged system of government, Nigeria also has a tripartite legal system<sup>6</sup> made up of:

- statutory law, based on English law/common law legal principles (and including judicial precedent, a constitution, and federal/state laws);<sup>7</sup>
- Islamic Sharia law in the Northern states (Muslim emirates);<sup>8</sup> and
- customary/traditional law in the non-Muslim areas.<sup>9</sup>

With regards to court structures, there are separate federal and state courts and one Supreme Court.<sup>10</sup> The courts in each state are controlled by the state government.

---

<sup>1</sup> WIKIPEDIA, Nigeria, *available at*: <http://en.wikipedia.org/wiki/Nigeria> (last visited Oct. 11, 2010).

<sup>2</sup> *Id.*

<sup>3</sup> CONSTITUTION OF NIGERIA (1999), § 47.

<sup>4</sup> *Id.* at § 90.

<sup>5</sup> *Id.* at § 7.

<sup>6</sup> CENTRAL INTELLIGENCE AGENCY, The World Factbook: Nigeria, <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html> (last visited Oct. 11, 2010); Yemisi Dina, *Update: Guide to Nigerian Legal Information*, GLOBALEX, *available at*: <http://www.nyulawglobal.org/globalex/Nigeria1.htm#LEGALSYSYSTEM> (last visited Oct. 11, 2010).

<sup>7</sup> Yemisi Dina, *Update: Guide to Nigerian Legal Information*, GLOBALEX, *available at*: <http://www.nyulawglobal.org/globalex/Nigeria1.htm#LEGALSYSYSTEM> (last visited Oct. 11, 2010).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

Although Nigeria inherited the English common law tradition due to colonisation, common law applies only to the English law-based courts, and not to the Islamic and customary law courts.<sup>11</sup> Nigerian criminal procedure in English law-based courts is based on an adversarial approach, with the burden of proof most commonly placed on the prosecution.<sup>12</sup> Contrary to that, the Islamic and customary courts use an inquisitorial approach in their criminal procedures.<sup>13</sup>

It is by virtue of enrollment at the Supreme Court that an individual can become a legal practitioner and a member of the legal profession in Nigeria.<sup>14</sup> A legal practitioner is enrolled in Nigeria both as a Solicitor and Advocate (Barrister) of Nigeria (“SAN”) because, unlike in England and Wales, the legal profession is fused.<sup>15</sup> The activities and conduct of members of the legal profession are regulated by statutory bodies, like the General Council of the Bar and the Body of Benchers. These bodies are established by the Legal Practitioners Act, Cap. 207, LFN 1990.<sup>16</sup> The Nigerian Bar Association (“NBA”) is the foremost professional association in the legal profession.<sup>17</sup> Though the NBA is not a statutory body, it is recognized by statutes, and it appoints members to supervisory bodies of the legal profession.<sup>18</sup>

## B. Legal Aid

### 1. *The Legal Aid Council*

The Legal Aid Council (“LAC”), under the Federal Ministry of Justice, was set up in 1976 by the federal government to provide free legal assistance and advice to Nigerian citizens who could not afford the services of a private lawyer.<sup>19</sup> The LAC was created within the context of the Legal Aid Act (the “Act”), adopted in 1976. The Act lays out the rules and policies of the LAC, listing the specific offenses for which legal aid is available<sup>20</sup>. According to the Act, prior to being granted legal aid, the applicants have to fill in statutory criminal and civil legal aid application forms to be considered. Eligibility to receive legal aid depends on being unemployed, without an income or on fulfilling the “means test”.<sup>21</sup> The income levels below which an aid is granted are

---

<sup>10</sup> ENCYCLOPEDIA OF THE NATIONS, Nigeria – Judicial System, *available at*: <http://www.nationsencyclopedia.com/Africa/Nigeria-JUDICIAL-SYSTEM.html> (last visited Oct. 11, 2010).

<sup>11</sup> Obi N. I. Ebbe, World Factbook of Criminal Justice Systems – Nigeria, *available at*: <http://bjs.ojp.usdoj.gov/content/pub/ascii/WFBCJNIG.TXT> (last visited Oct. 11, 2010) .

<sup>12</sup> *Id.*; Emeka Maduewesi, *Intorudction to Legal Literacy in Nigeria* 16, [http://www.nigerianlawsite.citymaker.com/f/Introduction\\_to\\_Legal\\_Literacy\\_in\\_Nigeria.pdf](http://www.nigerianlawsite.citymaker.com/f/Introduction_to_Legal_Literacy_in_Nigeria.pdf).

<sup>13</sup> *Id.*

<sup>14</sup> Dina, *supra* note 8.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> LEGAL AID COUNCIL OF NIGERIA, *available at*: <http://www.legalaidcouncilofnigeria.org/> (last visited Oct. 12, 2010).

<sup>20</sup> David McQuoid-Mason, *Legal Aid in Nigeria: Using National Youth Services Corps Public Defenders to Expand the Services of the Legal Aid Council*, 47 J. AFR. L. 107, 111 (2003).

<sup>21</sup> *Id.* at 110.

determined by the Federal Executive Council, which can also authorize legal aid on a contributory basis to a person whose income exceeds the national minimum wage.<sup>22</sup>

The legal aid provided by the LAC ranges from rendering legal services through consultation, advice, or representation in court. The LAC guarantees the provision of such services through either the salaried lawyers staffed in LAC's offices or private practitioners. In particular, LAC makes referrals to private legal practitioners, who receive a nominal fee. Moreover, the LAC relies on services provided by National Youth Service Corps ("NYSC") lawyers.<sup>23</sup>

The LAC headquarters is located in Abuja, with offices in each of Nigeria's 36 states, but the capacity of each office is extremely limited.<sup>24</sup> In 2005, only one lawyer was staffed in each state's LAC office, which has been heavily criticized by state attorney generals and judges as being inadequate.<sup>25</sup> There were plans to extend this to two per state by the end of 2005, according to the Legal Aid Council's director of Planning, Research and Statistics.<sup>26</sup> Recent surveys indicate that LACs across the country are still understaffed, with only about 100 lawyers divided in 37 offices.<sup>27</sup>

As mentioned, the LAC also utilizes the possibility of referrals to private lawyers, whose names are registered on panels of practitioners maintained by the LAC, in accordance with the Legal Aid Act.<sup>28</sup> They provide legal services to the LAC for a nominal fee.<sup>29</sup> Lawyers who are willing to assist persons seeking legal aid are entitled to be included on the panel, unless the Council has good reason for excluding them.<sup>30</sup> Some lawyers on the panel have done legal aid work *pro bono* because it has not been worthwhile to claim the nominal fee.<sup>31</sup> Due to the dearth of salaried and staffed LAC lawyers, it can be assumed that a majority of the cases are referred to these private practitioners.<sup>32</sup>

The LAC also relies on NYSC lawyers to accomplish its mission. In particular, they pay visits to police stations and prisons to interview applicants for legal aid, they handle minor offenses in lower courts, and they perform various other duties under the supervision of experienced lawyers.<sup>33</sup>

---

<sup>22</sup> *Id.* at 111.

<sup>23</sup> *Id.* at 112.

<sup>24</sup> *Id.* at 113.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Human Rights Watch, *Nigeria: Halt Plan to Resume Executions*, June 25, 2010, available at: <http://www.hrw.org/en/news/2010/06/25/nigeria-halt-plan-resume-executions> (last visited Oct. 13, 2010).

<sup>28</sup> McQuoid-Mason, *supra* note 20 at 113.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> Legal Aid Council of Nigeria, available at: <http://www.legalaidcouncilofnigeria.org/pages/operandi.html>.

The federal government has sought ways to strengthen the Nigerian LAC. Although the Council has been in existence for 30 years, it has not succeeded in living up to public expectation.<sup>34</sup>

Various reasons have been cited for its seeming ineffectiveness. These have ranged from:

- inadequate funding;<sup>35</sup>
- lack of police cooperation;<sup>36</sup>
- lack of publicity and inadequate information on access to justice;<sup>37</sup>
- delays in treating case files;<sup>38</sup>
- delays in investigating crime by the police;<sup>39</sup>
- prison congestion;<sup>40</sup>
- delays in the administration of justice;<sup>41</sup> and
- lack of empowerment of LAC to provide legal aid in respect to certain categories of persons and in respect to certain matters –scope of eligibility was not wide enough.<sup>42</sup>

Limited funding of the LAC is said to have seriously undermined the support system for lawyers taking on complex cases, such as death penalty cases seeking appeals.<sup>43</sup> Offenses punished by death penalty do not figure in the Act's list of offenses for which legal aid is available. Therefore, the LAC does not provide legal assistance and advice to people facing capital punishment.<sup>44</sup> The direct consequence is that inmates on death row in Nigeria's prisons are generally without legal representation.<sup>45</sup>

---

<sup>34</sup> *Id.*

<sup>35</sup> McQuoid-Mason, *supra* note 20 at 111; Human Rights Watch, *supra* note 21.

<sup>36</sup> Human Rights Watch, *Rest in Pieces: Police Torture and Deaths in Custody in Nigeria*, Part IX (July 2005), available at: <http://www.hrw.org/en/node/11630/section/10>.

<sup>37</sup> LEGAL AID COUNCIL OF NIGERIA, *supra* note 19.

<sup>38</sup> Annual Report 2004, Legal Aid Council: Federal Republic of Nigeria, at 31.

<sup>39</sup> Human Rights Watch, *supra* note 35.

<sup>40</sup> Annual Report 2004, *supra* note 37 at 42.

<sup>41</sup> Human Rights Watch, *supra* note 35.

<sup>42</sup> Annual Report 2006, Legal Aid Council: Federal Republic of Nigeria, at 12.

<sup>43</sup> Olawale Fapohunda, *Inmates who are on Death Row are Without Legal Representation*, IPS, Oct. 12, 2007, available at: <http://ipsnews.net/africa/nota.asp?idnews=39628>.

<sup>44</sup> *Id.* Please note that this is the only source stating that LAC does not provide legal assistance and advice to people facing death penalty. We searched for other sources confirming this but we could not find any.

<sup>45</sup> *Id.*

The overcrowding has gotten so bad that recently the Nigerian government announced it would execute death row inmates to ease prison congestion.<sup>46</sup> The overcrowding is due, in part, to delays in trials and failure to provide enough lawyers representing the detainees. It is believed that due, the flaws in the justice system on various levels, some, or even many, of those may be innocent, and unduly detained.<sup>47</sup>

Over the years, several initiatives have been launched to identify the problems of the legal aid system and of the overall access to justice, and to suggest how these can be improved.

At the National Consultative Forum on Transforming the Administration of Justice System in Nigeria, convened by the Federal Minister of Justice and the Federal Attorney-General in November 2001, it was decided to draft a National Action Plan on Justice Sector Reform in Nigeria and produce a Justice Vision document.<sup>48</sup> The Ministry of Justice and the Attorney-General's office identified the need to examine ways of:

- (a) upholding the Constitution and the rule of law;
- (b) promoting justice, fairness, and human dignity; and
- (c) incorporating and expanding community participation in the administration of justice.<sup>49</sup>

In 2003, Professor McQuoid-Mason<sup>50</sup> proposed that the Legal Aid Council of Nigeria could contribute to this process by establishing a public defender network by using law graduates in the NYSC, which could expand the services provided by the LAC.<sup>51</sup>

In October 2004, LAC began a police duty project in collaboration with the Open Society Justice Initiative<sup>52</sup> and the police,<sup>53</sup> aiming at deploying lawyers to police stations and Magistrates Courts in Imo, Kaduna, Ondo, and Sokoto States.<sup>54</sup> There, four duty solicitors were to provide pre-trial legal assistance.<sup>55</sup> The project is now also enacted in Plateau and Rivers States.<sup>56</sup> The project's goal was to train "duty solicitors" to provide assistance at the first points of conflict and

---

<sup>46</sup> Human Rights Watch, *supra* note 27.

<sup>47</sup> *Id.*

<sup>48</sup> McQuoid-Mason, *supra* note 20.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> The Open Society Justice Initiative uses law to protect and empower people through litigation, advocacy, research, and technical assistance. The staff is based in Abuja, Amsterdam, Bishkek, Brussels, Budapest, Freetown, the Hague, London, Mexico City, New York, Paris, Phnom Penh, Santo Domingo, and Washington D.C. (<http://www.soros.org/initiatives/justice/about#about>).

<sup>53</sup> *Id.*

<sup>54</sup> Human Rights Watch, *supra* note 35

<sup>55</sup> *Id.*

<sup>56</sup> Open Society Justice Initiative, *PreTrial Detention in Nigeria*, available at: [http://www.soros.org/initiatives/justice/focus/criminal\\_justice/projects/nigeria](http://www.soros.org/initiatives/justice/focus/criminal_justice/projects/nigeria) (last visited Oct. 13, 2010).

contact with the law, such as the police station, magistrate, and area courts,<sup>57</sup> but this has met with little success.

## 2. *Other organizations*

Several domestic non-governmental organizations (“NGOs”) also provide legal aid services in the form of legal advice and assistance to improve access to justice. Legal Defence and Assistance Project (“LEDAP”),<sup>58</sup> an NGO of lawyers working to improve the rule of law and the overall access to justice, human security, and human rights, is a prominent actor in the *pro bono* field in Nigeria. LEDAP not only deals with individual cases litigated under their routine legal aid program, but also with larger public interest litigation cases (see further below).<sup>59</sup>

Furthermore, several international organizations, such as the international sections of the Law Society of England and Wales and the European Instrument for Democracy and Human Rights, have also provided impetuses for change within the legal aid movement in Nigeria.<sup>60</sup>

Recently, the Legal Aid Council collaborated with the International Federation of Women Lawyers through an awareness project on the Child’s Rights Act in the six political zones of Nigeria.<sup>61</sup> Their aim is to encourage the 36 states to give effect to the Act’s contents, or to adopt the Act. Through collaboration with other organizations, the LAC is reaching out and striving to make a difference in the field of free legal services provided in the country.

## II. *Pro Bono Opportunities in Nigeria.*

### A. Recent Developments: Duty Solicitor Scheme (“DSS”)

The Duty Solicitor Scheme was created as part of the Nigeria Law Project, whose specific purpose was to establish a nationwide system for the state-based provision of free legal representation to indigent defendants and victims of human rights violations in order to better defend their rights and obtain legal redress.<sup>62</sup> The Duty Solicitor Scheme is the equivalent of the public defender system in the United States or in Brazil.<sup>63</sup>

---

<sup>57</sup> Felicitas Aigbogun-Brai, *Pre-Trial Detention in Nigeria: A Bird’s Eye View of the Work of the Rights Enforcement and Public Law Centre*, NIGERIAN BAR ASSOCIATION, available at: [http://www.nigerianbar.org/index.php?option=com\\_content&task=view&id=145&Itemid=105](http://www.nigerianbar.org/index.php?option=com_content&task=view&id=145&Itemid=105) (last visited Oct. 13, 2010); Annual Report 2006, *supra* note 41 at 29.

<sup>58</sup> LEDAP, [http://www.ledapnigeria.org/index.php?option=com\\_content&view=article&id=77&Itemid=96](http://www.ledapnigeria.org/index.php?option=com_content&view=article&id=77&Itemid=96) (last visited Oct. 13, 2010).

<sup>59</sup> Hussainatu Abdullah, *Economic, Social and Cultural Rights in Nigeria* at 53 (May 2000), available at: <http://www.humanrights.se/upload/files/2/Rapporter%20och%20seminariedok/eng-ESC%20Rights%20in%20Nigeria.pdf>.

<sup>60</sup> Polly Botsford, *A Helping Hand*, LAW SOCIETY GAZETTE, Aug. 2, 2007, available at: <http://www.lawgazette.co.uk/features/a-helping-hand-1>.

<sup>61</sup> Abuja Olorok, *Legal Aid Council, Women Lawyers Collaborate on Child Rights Act*, NBF Topics (Aug. 31, 2010), available at: <http://www.nigerianbestforum.com/generaltopics/?p=63979>; Today Nigeria is divided into six geopolitical zones, with every state falling into these categories. The idea was started by the late General Sani Abacha, former military ruler (1993-1998), and has persisted ever since (<http://nigeriagateway.com/the-geopolitical-zones-that-make-up-nigeria-part-one/>).

<sup>62</sup> LEDAP, *supra* note 57 at Rule of Law and Access to Justice.

<sup>63</sup> WIKIPEDIA, *Duty Solicitor*, available at: [http://en.wikipedia.org/wiki/Duty\\_solicitor](http://en.wikipedia.org/wiki/Duty_solicitor) (last visited Oct. 13, 2010).

The scheme was initiated in 2000, following a partnership between the Law Society of England and Wales and LEDAP.<sup>64</sup>

The first phase of the project focused on the implementation of the DSS from 2000 to 2003. This project involved training lawyers to offer *pro bono* legal advice and representation to prisoners held on remand.<sup>65</sup> The DSS was well received and established in 10 states, training 260 lawyers in the provision of legal assistance and representation of over 6,000 prisoners and victims of human rights abuses.<sup>66</sup>

The second phase of the project took place from 2006-2009, and focused on strengthening the DSS as a legal aid model and integrating it in five additional states.<sup>67</sup>

Since its start, the DSS has trained over 600 *pro bono* lawyers across those 15 states and 65,000 *pro bono* days-in-court.<sup>68</sup>

#### B. Indigent and Human Rights Defence (LEDAP)

This LEDAP program aims to provide free legal assistance to indigent remand prisoners, and thereby promote positive changes in the criminal justice system.<sup>69</sup> It also provides legal assistance to indigent victims of human rights violations, other than those caused by the prison remand system.<sup>70</sup> Through this, the project desires to reform state-level criminal justice administration. Its main objective, through advocacy, is to facilitate the replication of this program to be projected in states' legal aid schemes.<sup>71</sup> Some of the program's objectives include: (1) depopulating the prisons through legal support and release; (2) improving lawyers' skills and expertise; and (3) publishing *The Prosecutor Magazine* to help criminal justice practitioners.<sup>72</sup>

#### C. NGOs Providing Legal Assistance

Many NGOs provide free legal assistance, particularly in the human rights arena. Although some NGOs have a staff of only a few lawyers, or retain external consultant lawyers to provide legal aid, others propose a more elaborate legal aid and law reform program.<sup>73</sup>

---

<sup>64</sup> THE LAW SOCIETY, *Law Society's Nigerian Partner Wins MacArthur Award*, Apr. 11, 2008, available at: <http://international.lawsociety.org.uk/node/3017> (last visited Oct. 13, 2010).

<sup>65</sup> THE LAW SOCIETY, *Nigerian Partnership*, Mar. 1, 2006, available at: <http://www.lawsociety.org.uk/newsandevents/newsletters/international/archive/view=article.law?NEWSLETTERID=269918> (last visited Oct. 13, 2010).

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> THE LAW SOCIETY, *supra* note 63.

<sup>69</sup> LEDAP, *supra* note 61.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> Bonny Ibhawoh, *Human Rights Organizations in Nigeria* 56 (January 2001), available at: <http://www.humanrights.dk/files/pdf/publikationer/human%20rights%20organisations%20in%20nigeria%20for%20the%20danish%20centre%20for%20human%20rights%20bonny%20ibhawoh%20january%202001.pdf>.



An example of such an NGO is the Civil Liberties Organization (“CLO”) and its program called Legal Assistance Network (“LANE”), which has trained over 2,500 lawyers in human rights litigation.<sup>74</sup> CLO has also undertaken an Administration of Justice program in collaboration with other organizations aiming, to train over 200 lower court judges in human right jurisprudence.<sup>75</sup>

CLO, National Association of Democratic Lawyers (“NADL”), Human Rights Law Service (“HURILAWS”), and Constitutional Rights Project (“CRP”) have been particularly active in the domain of human rights litigation due to their knowledge of regional and international standards.<sup>76</sup>

Although most NGOs provide some kind of legal advice and assistance, demand tends to far exceed supply, especially in rural regions.<sup>77</sup> The number of personnel available for case litigation is often inadequate to meet the numerous legal assistance requests from the public. Some NGOs, such as CLO and CRP, have sought to remedy this by creating a network of volunteer lawyers assisting in human rights litigation; however, the success has been limited due to the inadequate number of volunteer lawyers.<sup>78</sup>

Other NGOs active in the field include:

- **Commission for the Defence of Human Rights (“CDHR”)**

CDHR was formed in 1989. It started out as a result of the unfair detention of Mr. Femi Aborishade, under a preventive detention decree, the State Security Decree No.2 of 1984.<sup>79</sup> It grew to serve the purpose of defending the rights of other similar detainees to liberty and, generally, the fundamental human rights to all Nigerians.<sup>80</sup>

- **Human Rights Monitor (“HRM”)**

Based in Kaduna, this organization was started in 1993 in response to the need for a human rights body overseeing the North part of the country and not being headquartered in Lagos.<sup>81</sup> This organization has taken cases to court in collaboration with the CLO. Since it is fully self-funded, activities have been hampered by lack of available funding.<sup>82</sup>

- **Institute of Human Rights and Humanitarian Law (“IHRHL”)**

---

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.* at 57.

<sup>78</sup> *Id.*

<sup>79</sup> CDHR, <http://www.cdhrnigeria.org/> (last visited Oct. 13, 2010).

<sup>80</sup> *Id.*

<sup>81</sup> HUMAN RIGHTS LIBRARY, *The Status of Human Rights Organizations in Sub-Saharan Africa: Nigeria*, available at: <http://www1.umn.edu/humanrts/africa/nigeria.htm> (last visited Oct. 13, 2010).

<sup>82</sup> *Id.*

The IHRHL was set up in Port Harcourt in 1993 by a former CLO employee, and provides human rights advocacy and education on issues specific to the Port Harcourt area.<sup>83</sup> Despite its lack of funding, it has managed to publish numerous articles on human rights issues in the local press, conduct human rights education in schools, and carry out some legal aid work.<sup>84</sup>

- **Social and Economic Rights Action Center (“SERAC”)**

SERAC emerged in 1995 with more of a specific focus on economic and social rights, marking a departure from the emphasis on civil and political rights shown by NGOs in the 1980s.<sup>85</sup> SERAC has adopted long-term strategies to promote these rights through projects such as the Institutional Development Project, the Forced Eviction Prevention Project, and the Right to Health Project.<sup>86</sup>

- **HURILAWS**

HURILAWS specializes in providing *pro bono* public interest legal services. A major part of its activity is test case litigation.<sup>87</sup> They have several test cases in Nigerian courts involving economic and social rights, especially regarding shelter and environmental rights.<sup>88</sup>

Other NGOS that do not have the resources to retain their own lawyers for legal aid programs establish working arrangements whereby they recommend cases requiring legal attention to other NGOs.<sup>89</sup>

### **III. Conclusion**

It has been suggested that a holistic approach to legal aid and access to justice, combining several of the methods discussed above, would be beneficial to Nigeria.<sup>90</sup>

In summary, the key initiatives that could potentially facilitate the access to justice, the availability of legal aid and of legal assistance, as well as the increase of *pro bono* services provided to indigent population, are as follows:

- strengthening of government agencies, especially at the federal level, such as the Nigerian prisons, the National Human Rights Commission, and the LAC to enable them to perform their statutory duties more efficiently;
- proper funding and adequate staffing of the LAC;

---

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> Ibhawoh, *supra* note 72 at 48.

<sup>86</sup> Abdullah, *supra* note 58 at 41.

<sup>87</sup> *Id.* at 42.

<sup>88</sup> *Id.*

<sup>89</sup> Ibhawoh, *supra* note 72 at 58.

<sup>90</sup> The State of Human Rights in Nigeria 2007, *available at*: [http://web.ng.undp.org/publications/governance/Humanright\\_electronic\\_2007.pdf](http://web.ng.undp.org/publications/governance/Humanright_electronic_2007.pdf) (last visited Oct. 13, 2010).

- enforcement of NBA's role in encouraging lawyers to take on cases on a *pro bono* basis in order to increase access to justice, as well as to monitor and discipline lawyers paid by the federal government to assist citizens;
- promotion of partnership agreements or arrangements between the LAC and private practitioners and/ or NGOs;
- institutionalization of duty solicitor schemes in criminal cases;
- institutionalization of public defender networks using law graduates in the NYSC in order to maximise the resources provided by the NYSC; and
- funding by the LAC of legal aid clinics and of justice centers manned by younger lawyers in NYSC, aiming at increasing access to justice.