

KEYNOTE ADDRESS DELIVERED BY THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA AND CHAIRMAN, BOARD OF GOVERNORS OF THE NATIONAL JUDICIAL INSTITUTE, HON. JUSTICE MAHMUD MOHAMMED, GCON, *FNJI*, AT THE 2ND NJI/IPELP NATIONAL ENERGY WORKSHOP HELD ON 5 APRIL 2016 AT THE ANDREWS OTUTU OBASEKI AUDITORIUM, NATIONAL JUDICIAL INSTITUTE, ABUJA

PROTOCOL

It is my delight to welcome you all to the 2nd National Energy Workshop, organized by the International Institute for Petroleum Energy Law and Policy (IPELP) in collaboration with the National Judicial Institute (NJI). I am aware that this workshop is coming up for the second time, which no doubt is a result of the productive synergy between both Institutes, and a realization of the mandate of the National Judicial Institute to provide capacity building for Judges and the Nigerian Judiciary at large.

As arbiters of justice, all Judicial Officers must dispense justice in an effective manner. This duty can only be performed optimally when our Judges remain up to date with the emerging developments and trends in jurisprudence especially pertaining to the Petroleum and Power Sectors.

The Policy of the Government has prioritized the development and upgrade of the Power Sector in order to attain its policy goals. The recent statement by the President of the Federal Republic of Nigeria, Muhammadu Buhari, *GCFR* of his Government's stated goal of attaining 10, 000 Megawatts of Electricity by 2019, though lofty, will require all stakeholders, including the Judiciary, to synergize in order to ensure a smooth takeoff of this revolution. In doing this, we must carefully evaluate our laws, identify the shortcomings and chart the appropriate course towards the growth of the Nation, using these Sectors, among others, as the fuel in the engine of the economy.

The theme of this year's Workshop ***“EMERGING LEGAL AND POLICY REFORMS IN THE PETROLEUM AND POWER SECTOR OF NIGERIA”*** is not only scrupulously crafted, but also relevant to the ongoing reforms in the Petroleum and Power Sectors by the present administration. These reforms certainly have the potential to introduce new legal regimes and statutory innovations that could potentially impact the quality of justice delivery. As such it is necessary to introduce stakeholders in the sector, as well as our Judges, with the rudiments of the sector in order to better prepare them for the inevitable reforms that will come.

This workshop is also relevant to the Judiciary because of Nigeria's membership of international bodies such as the Organization of Petroleum Exporting Companies (OPEC) and its being signatory to Rules and Conventions of International Law, which must be interpreted by the Courts.

For over half a century, Nigeria's petroleum and power industries have been operating on a mélange of laws and guidelines without an effective policy framework resulting in an avalanche of law suits and complaints, which are not adequately redressed given the current regime of laws, thereby leading to public complaint and a consequential loss of faith in the ability of the judicial system to effectively give the justice desired.

Some of the disputes before our courts emanate from the results of an exploitation of Oil tenements, execution of Joint Venture Agreements, taxes and compensations. Furthermore, the onset of privatization in the Energy Sector has also led to a profusion of litigations as a myriad of issues have emerged, such as the recent dispute on metering. This has also pitted the privatized energy firms against organized labour unions such as the Trade Union Congress (TUC) and Nigerian Labour Congress (NLC) respectively. It is therefore clear that regulatory and legal reform is required in order to merge the diverse and discordant interests of industry players into a cohesive, national policy.

The Power and Petroleum Sectors remains fraught with the need for modernization in order to address emerging threats and trends that face the Sectors. Similarly, our Courts also need to be better acquainted with these legal reforms in order to better perform their adjudicatory duties.

The need to have a comprehensive policy to address the Petroleum Industry is also a foregone conclusion. However, a similar necessity is for the Statutes to be updated in order to provide for current realities. This is perhaps best illustrated by the fines and sentences

provided for under the Petroleum Act 1969, a law that was made almost four decades ago. The absence of contemporary laws may also affect the quantum of damages that can be awarded when harm is occasioned to indigenous communities due to pollution caused by the activities associated with the Petroleum Industry. An incidence is the award of fines for flaring of gas under the Petroleum Act, which hardly constitute an incentive to curb the offence caused thereby. Given these and numerous other challenges, our Courts must also stand up to be counted in delivering the justice that is so dearly required.

My lords, ladies and gentlemen, the Petroleum and Power Sectors are presently the lifeblood of the nation's economy and the engine for its growth. Despite our Government's pivot towards diversification of the economy, these sectors remain as an ever present necessity to most Nigerians. As such it cannot be overemphasized that the need for legal and policy reforms in these twin sectors must now occupy our outmost attention and participation. This is why this Workshop affords stakeholders the opportunity to dialogue on current issues related to the Power and Petroleum Sectors.

The Workshop is further designed to acquaint participants with emerging developments in the power and petroleum sectors of the economy as these sectors go through present day advancement in the country. It is hoped that this workshop will aid the Judges and Justices in the adjudication and resolution of lingering disputes bedeviling the sector.

I have had the privilege of perusing the programme of this year's workshop and I am convinced that the topics slated for discussion are relevant and intuitive. It is my expectation that the workshop will generate robust discourse and interventions that will serve as a pathway to achieving much needed reform of the petroleum and power sector.

The Chairmen of Session and Resource Persons are consummate professionals, who are well distinguished and knowledgeable in the chosen subjects of discourse. I wish to convey my appreciation to them for accepting our invitation to take on various assignments despite their busy schedule. I urge your lordships to listen attentively and participate enthusiastically during the course of this programme.

My lords, distinguished participants, ladies and gentlemen, I wish to express my gratitude to the Administrator of the National Judicial Institute, Hon. Justice R.P.I. Bozimo, OFR, the management and staff of the Institute for organizing this significant workshop for the Judiciary. I also must extend my gratitude to the President of the International Institute for Petroleum, Energy Law and Policy, Professor Niyi Ayoola Daniels, and his industrious staff, for their foresight in collaborating with the National Judicial Institute and their active participation in the organization of the event.

I must also thank all our invited guests, and members of the Press for demonstrating their support for the Judiciary through their presence at this Opening Ceremony.

Having commended a few remarks to your consciousness, it is now my singular honour and privilege to formally declare the 2nd National Energy Workshop, Open.

I wish you all very productive and fruitful deliberations and thank you for your attention.

May God bless all of us.

Mahmud Mohammed, *GCON, FNJI*
Chief Justice of Nigeria &
Chairman, Board of Governors of the NJI