

KEYNOTE ADDRESS DELIVERED BY THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA AND CHAIRMAN BOARD OF GOVERNORS, NATIONAL JUDICIAL INSTITUTE, HON. MR. JUSTICE WALTER SAMUEL NKANU ONNOGHEN, GCON, FNJI, AT THE OPENING CEREMONY OF THE 2018 NATIONAL SEMINAR ON CONSTRUCTION LAW (NSCL) FOR JUDGES, HELD AT THE ALOYSIUS KATSINA-ALU SEMINAR HALL OF THE NATIONAL JUDICIAL INSTITUTE ON 30TH MAY, 2018

PROTOCOL

I am pleased to welcome you all to the maiden National Seminar on Construction Law (NSCL) for Judges. This seminar is unique as it is the first to be organised for Judges and relevant stakeholders in the construction sector. It brings to the fore key issues affecting the sector with a view to proffering practical solutions for effective dispute resolution of cases.

The theme of this Seminar “**Laying the Foundation for Effective Dispute Resolution in the Nigerian Construction Sector**” is apt and significant as it is tailored towards enlightening and broadening the horizon of participants. To this end, this seminar will imbibe in you the requisite skill for the effective disposition of cases. It is imperative to note that construction law is a very technical area which is rarely explored in Nigeria and the laws governing the

sector are enormous and vary from one professional body to another.

The industry involves the intermingling of different disciplines and professions which entwine to bring a construction project into existence. The professions in the industry include architects, builders, engineers, quantity surveyors, and town planners, among others.

Construction contracts, however, involve extremely long, complex and technical sets of documents, which are often not well understood by the parties. This leads to conflicting interpretations of the clauses of the contracts. The construction cases that come to our courts are mostly due to breach of contract. Parties are either unaware of or careless about their obligations under the contract and towards the actualization of the project.

This seminar, therefore, provides an arena for the different professions and the Judiciary to interact on this all-important aspect of Law. The Seminar will also enable participants acquire the specialist knowledge needed for an effective, better and quicker resolution of the disputes that arise from the workings of the industry.

My Lords, distinguished participants, ladies and gentlemen, it goes without saying that a justice system which is riddled with delays in the adjudication of cases will be unattractive to investors.

It is also instructive to note that, where Alternative Dispute Resolution (ADR) mechanisms are effectively deployed, same will drastically reduce the volume of cases before our courts. Such a system will encourage investment as investors will be confident that their assets and investments are secured.

Despite so many laws regulating the construction sector, it has been faced with a myriad of challenges which has made it unattractive to investors. The most crucial challenge as it relates to Judges is the seeming unending litigations in our courts. We are not unmindful of these challenges affecting stakeholders in the construction sector as the Judiciary has been proactive towards same. The Multi-Door Court House has been introduced in our courts across the country to make Alternative Dispute Resolution (ADR) easily accessible and to encourage litigants to access the various dispute resolution mechanisms available.

My Lords, in a bid to promote Alternative Dispute Resolution (ADR), I have directed at several fora such as this, that courts must ensure that contracts where arbitration clauses are inserted must first go through arbitration before exploring the option of litigation; as this will not only reduce the load of cases but also bring about speedy trials, encourage case flow management, increase investors' confidence in the construction sector and further strengthen the economy. I urge the concerned heads of courts to make practice directions that will dissuade litigants who institute actions without first exploring the arbitration clauses in contracts.

Judges should also encourage Alternative Dispute Resolution (ADR) mechanisms in cases that are less contentious before them as this aids decongestion of our courts. It is important to note that the use of Alternative Dispute Resolution mechanisms in your courts also form part of the quarterly performance evaluation for Judges.

I must not fail to emphasize, once again, that Construction Law is a specialized area of our legal jurisprudence and its development should be encouraged to enable Nigeria be at par with its counterparts, particularly, given the increase in the use of

foreign aid/funding to construct our much needed infrastructure. It is hoped that this seminar would cause us to think more on our role as players in this sector of the economy with an eye on making the sector productive, sustainable and attractive to both foreign and domestic investors.

Distinguished participants, I am convinced that the topics slated for discussion are relevant and insightful. I therefore urge you to pay rapt attention, brainstorm on issues of collective interest with a view to proffering practicable solutions.

I must at this juncture express my sincere gratitude to the Administrator of the National Judicial Institute, Hon. Mr. Justice R.P.I. Bozimo OFR, and the staff of the Institute for organising this seminar. I must also express my appreciation to our esteemed resource persons and Chairmen of Sessions for their gracious acceptance to take on various functions assigned to them during this seminar.

My Lords, distinguished participants, ladies and gentlemen, it is now my honour to declare the 2018 National Seminar on Construction Law (NSCL) for Judges open.

I wish you all fruitful and rewarding deliberations.

Thank you and God bless us all.

Hon. Mr. Justice Walter Samuel Nkanu Onnoghen, GCON, FNJI
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