



NIGERIAN BAR ASSOCIATION

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STATE OF THE NATION ADDRESS BY THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION, MR. YAKUBU CHONOKO MAIKYAU, OON, SAN DELIVERED ON 31 JANUARY 2023 AT THE NBA HOUSE, PLOT 1101, MUHAMMADU BUHARI WAY, CENTRAL BUSINESS DISTRICT, ABUJA

In my remarks at yesterday's Dialogue, I did apologise to Nigerians for what I believe to be an abdication of responsibility on the part of the legal profession. It is my firm persuasion that if we had acted under the influence of the spirit behind the profound statements referred to in my remarks, particularly by Sir Christopher Alexander Sapara Williams (the first Nigerian called to the English Bar on 17 November 1879), who said *"the legal practitioner lives for the direction of his people and the advancement of the cause of his country"*, and also Sir Adetokunbo Ademola who said *"The respect in which the Bar in any country is held is the best indicator of the freedom in that country"*, our experience as a nation would have been different; we would certainly not have been faced with the current socio-economic and political challenges.

The legal profession, to a great extent, has not held Government accountable on behalf of the people of this nation, and this does not necessarily mean being confrontational with government. While I agree that there are times when it is necessary and inevitable to go into confrontations to drive home certain points or achieve certain desired goals and objectives for the common good of the people, the place of purposeful engagement and, to a limited extent, our direct involvement in the activities government, without losing sight of the ultimate objective of serving the people, cannot be over-emphasised and may yield more and better results. Like someone said, why spit fire when you do not need ashes around you.

While we live to provide such directions, the use of our God given expertise and skills remain our major tool. It was the Secretary General of the Commonwealth, **Rt. Hon. Patricia Scotland QC**, who said:

"We lawyers are a dangerous breed; we challenge, we refuse to let anarchy and unfairness and inequity reign. We stand in the gap. We refuse to be silent. We fight. Not with arms, but with words. We use the law as our weapon, and we wield it with skill and determination. We must teach the next generation to do the same... you play a central role in setting the parameters for the next generation of lawyers who will have the formidable task of safeguarding the rule of law in the new and challenging context in which we now live."

I had yesterday alluded to the profound statements on the role of a lawyer by Kwame Nkrumah, Kenneth Kaunda, Professor L. C.B. Gower, Professor Olakunle Orojo, and today again to Sir Adetokunbo Ademola, CJN and Sir Christopher Alexander Sapara Williams. While these statements remain constant reminders to all members of the legal profession on one hand, they

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are, on the other hand, the basis upon which Nigerians should hold all members of the legal profession to account.

Nigeria is a nation of laws. It exists by reason of the Constitution, which created it and all the structures in the nation. It is therefore in reference to the Constitution and the laws of the National or State Houses of Assembly as the case may be, that the country can be preserved and nurtured. There is no other profession that is uniquely positioned to provide leadership in this regard than the legal profession.

It is the legal profession that must interpret the laws for proper implementation. Even where the legislature makes the laws, the spirit and intendment of the laws can only be preyed into, understood, and applied through the instrumentality of the legal profession: the Bench and the Bar. When we speak in this manner, we are simply being grateful to God for this unique position we occupy by reason of the privilege of our training as lawyers; we speak in humility and deep appreciation of the responsibility that comes with the privilege. When the lion roars in the jungle to declare that *“no matter the economy of the jungle, I will not eat grass”* the lion quickly adds *“this is no pride, it is who I am”*. Speaking this way for us is no pride, it is an understanding of the identity of an ideal lawyer, who is ready and willing to take on the responsibilities of that identity.

This is why, having consulted with stakeholders across the country and observed the difficulties being encountered by Nigerians in the implementation of the demonetisation policy of the CBN, we took the initiative on behalf of Nigerians to appeal for a reconsideration and review of the implementation of the policy. We wrote a letter to the Central Bank of Nigeria, other relevant government offices and visited the Minister of Finance in this regard. Incidentally, today would have been the last day when the affected Naira Notes would have ceased to be legal tender. While we commend the policy and support government drive to stem corruption and other criminal activities by the implementation of the policy, we shall continue to insist that this is done strictly within the ambits of the law.

Appreciating this responsibility on our shoulders begins with the acknowledgment that as members of the legal profession, we have failed in several respects, and this is not because Nigerian lawyers lack the intellectual wherewithal to provide the desired leadership. Nigerian lawyers are some of the best in the world. Nigeria enjoys an array of brilliant, highly intellectual, resourceful, sagacious, industrious, well behaved and highly professional lawyers both on the Bench and the Bar. The glory the legal profession brought to this nation when the likes of Sir Udo Udoma, JSC established the judiciary and pioneered the legal profession in Uganda, our deployment of legal knowledge and service to Gambia and Prince Bola Ajibola held sway at the ICJ in Hague; the days when the Esos, Oputas, Idigbes, Nnamanis, Karibi-Whytes, Mohammed Bellos, Kalgos, Onyeamas, Nnaemeka-Agus, etc, manned the judicial posts in the nation; or when the FRA Williams, the GOK Ajayis, Abdulrazaks, Anyamenes, Abdullahi Ibrahims, etc crisscrossed the length and breadth of this nation developing the law, has not been completely lost. Both on the Bench and the Bar of this nation, we enjoy the compliments of some of the best legal minds this country ever produced; well cultured with excellent character. The challenges we face as a Body of Legal Professionals where a few

amongst us have by their misconduct, brought disdain and disrespect to the Bench and the Bar remain of grave concern. But let me assure Nigerians that those instances professional misconducts (or alleged professional misconduct) do not represent who we are. Someone said, every negative and false news, go round so fast that they arrive their destinations and feed their audience when truth is still lacing up its shoes to set out from home. In this wise, I have come to tell you that, the legal profession in Nigeria; Bench and Bar is not corrupt, we are not unprofessional. The instances of alleged corrupt practices and professional misconducts constitute a minute fraction of members of the legal profession. They are not our banner, our signposts and thus cannot be a basis for the characterisation of the legal profession in Nigeria. I urge Nigerians to repose confidence in the legal profession, hold us to account, report cases of misconduct and we are committed to ensuring that the bad eggs amongst us are singled out, brought to book, and dealt with decisively.

We are on the verge of another General election. Besides the need to guarantee the security of the lives and properties of Nigerians as they troop out to vote in the 2023 general elections, the ultimate outcome of the election will largely depend on the interface between the Bench, the Bar and the Political gladiators. As members of the Legal Profession, serving either on the Bench or at the Bar, we owe Nigerians sincere and honest participation in the process. We must do all that is legitimately within our abilities, motivated by the desire to serve the course of justice, to ensure that the relevant laws and rules, properly interpreted and applied, remain the guiding principles for our involvement in the process.

While we shall stand with the Courts and do everything legal to protect the integrity of the Bench against any form of intimidation by the political class, any person or group of persons, we will not hesitate to call out and pursue disciplinary action(s) against erring judicial officials. Similarly, members of the Bar who misconduct themselves while participating in the resolution of electoral disputes will face disciplinary action at the Legal Practitioners' Disciplinary Committee (LPDC) and the Legal Practitioners' Privileges Committee (LPPC), where Senior Advocates of Nigeria (SAN) are involved.

I commend the Independent National Electoral Commission (INEC) for all that it is doing to deliver a free, fair, and credible election to Nigerians. I charge INEC to maintain its independence as we unequivocally, as a Bar, declare our support to help ward off any attempt to undermine the integrity of the electoral process and neutrality of INEC. In this regard, my attention was drawn to a social media publication that the Nigerian Bar Association in Akwa Ibom State had endorsed a candidate in the forthcoming election. I took time to verify the information and I have confirmation that this indeed took place. I want to say in no unclear terms that we condemn the action of the few members who embarked on such despicable and disgraceful conduct using the platform of the NBA. That declaration was not made for or with the authority of the NBA. It is disgusting and I have already instructed the First Vice President NBA who is leading the NBA Election Monitoring Group, to immediately exclude all the branches of the NBA in Akwa Ibom State from participating in the monitoring of the forthcoming election. This exclusion will be communicated to INEC forthwith and members involved in this conduct will also face disciplinary action as may be determined by the NBA. NBA is not partisan; we are not a political party, we are representatives of the people, we remain neutral and must be seen to maintain our neutrality at all times - we belong to everyone and to nobody.

I also thank INEC for extending the deadline for the collection of PVCs which was a clear indication of its readiness and willingness to give every eligible Nigerian the opportunity to exercise his/her franchise. I wrote a letter in this respect based on the report by one of our Senior Counsel, Ms F. Boma Ayomide Alabi, SAN, which I adopted as the NBA position and had discussions with Mr. Festus Okoye, who assured me that the complaints were being considered, I was therefore not surprised at the intervention by INEC.

At the Dialogue, we invited all the presidential candidates, to talk to the nation on our platform, on their plans for Nigerians should they emerge victorious at the polls on the three thematic areas of security, economy and administration of justice. We shall as NBA articulate our position arising from the State of the Nation Dialogue on the various subjects, on behalf of Nigerians, and make same available to all the presidential candidates before the elections. I must at this point acknowledge and appreciate the presidential candidates who honoured our invitation. In no particular order, I thank (1) Alh Ado-Ibrahim Abdulmalik, Young Progressive Party; (2) Major Hamza Alustapha (Rtd), Action Alliance Party; (3) Mr Adebayo Adewole Ebenezer, Social Democratic Party; (4) Mr Kachikwu Dumebi, African Democratic Congress; (5) Mr Nwanyawu Daniel Deberechukwu, Zenith Labour Party; (6) Mr Sani Yabagi Yusuf, Action Democratic Party; (7) Mr Sowore Omoyele Stephen, African Action Congress; (8) Mr Umeadi Peter Nnanna Chukwudi, All Progressives Grand Alliance; (9) Asiwaju Bola Ahmed Tinibu, All Progressives Congress represented by Liman, SAN.

I thank you all for listening.

God bless the Federal Republic of Nigeria,

God bless the Nigerian Bar Association, and

God bless you all.


Yakubu Chonoko Maikyau, OON, SAN
PRESIDENT