



NIGERIAN BAR ASSOCIATION

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ADDRESS OF THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION, MR YAKUBU CHONOKO MAIKYAU, OON, SAN, AT THE SPECIAL SESSION OF THE SUPREME COURT OF NIGERIA HELD ON MONDAY, 27 NOVEMBER 2023, TO MARK THE OPENING OF THE 2023/2024 LEGAL YEAR AND THE CONFERMENT OF THE RANK OF THE SENIOR ADVOCATES OF NIGERIA

PROTOCOLS

Introduction

1. I am delighted and honoured that the Honourable, the Chief Justice of Nigeria, **Honourable Justice Olukayode Ariwoola, GCON** extended an invitation to me as President of the Nigerian Bar Association (NBA) to attend and deliver an address at this special Court session to mark the commencement of the **2023/2024** legal year of this Court and the conferment on **58 (Fifty-eight)** of our colleagues with the prestigious rank of Senior Advocate of Nigeria. As part of my countdown, it would not be out of place to note that this would be the last legal year ceremony of this Honourable Court that I will be addressing as President of the NBA. I am grateful to God for the privilege, and may I express my profound gratitude on behalf of the NBA to my Lord, the CJN and all the Justices of this Court for this invitation and for the audience I have so far enjoyed before this Court.
2. The new legal year ceremony is a practice in many common law jurisdictions all over the world. It dates to medieval England, when judges, in the new year celebrations, would adorn their ceremonial attire and take a two-mile walk from Temple Bar to Westminster Abbey for a solemn assembly to seek divine guidance and strength for the new year. **This is a reminder to their lordships that Judges/Justices are representatives of God on earth performing divine functions over fellow mortals.**
3. The ceremony is also a time for stock-taking; today we listened to the CJN apprise the Bar, as well as the public, of the activities of the court in the previous legal year; the challenges, achievements, and the agenda for the new legal year. The Bar is particularly interested in this because it provides the necessary enlightenment that will foster understanding in our interactions with the Court in the coming year and beyond.
4. This Honourable Court is, undoubtedly, one of the most overworked apex Court anywhere in the world. That is why your Lordships are most deserving of the annual vacation of the Court, the appreciation of Nigerians and the Bar for the sacrifices which your Lordships make in the discharge of the enormous responsibilities thrust on the shoulders of your Lordships by the **Constitution of the Federal Republic of Nigeria, 1999 (as amended)**. I therefore, on behalf of the NBA, formally welcome your Lordships from vacation, as we usher your Lordships with prayers to God Almighty for strength, wisdom, and courage, into another legal year.

NATIONAL OFFICERS:

Yakubu Chonoko Maikyau, OON, SAN President

Adesina Adegbite, FICMC, General Secretary; Linda R. Bala (Mrs), 1st Vice President; Chukwuemeka Clement Ugo, 2nd Vice President; Amanda Ego Demechi-Asagba, 3rd Vice President; Caroline Ladidi Anze-Bishop, Treasurer; Chinyere Gladys Obasi, Welfare Secretary; Akorede Habeeb Lawal, Publicity Secretary;

Daniel K. Kip, Assistant Secretary; Charles Ajiboye, FICMC, FCAI, ACIS Assistant Publicity Secretary

5. On the second reason for this special Court session; the investiture/swearing-in of the 58 new Senior Advocates of Nigeria, it has been the tradition to swear-in the Legal Practitioners who are privileged to be conferred with the Rank of Senior Advocate of Nigeria at the occasion of the commencement of the legal year of the Court. Needless to say, the rank is conferred on legal practitioners who have distinguished themselves in the practice of law and have *inter alia* exhibited high regard for honesty, integrity and professionalism. I therefore congratulate each one of you for distinguishing yourselves and attaining this great feat in the profession. I must very quickly admonish that to succeed in the use of this rank in discharging the call of your office as a legal practitioner, a necessary trait upon which you must anchor all other requirements you had to satisfy to get to this height is, **“humility”**. It is humility that will continue to make the rank relevant, productive and keep you within professional bounds. There is no doubt that you need the Grace of God, and you need to remain humble for an infinite supply of that grace. As the scripture says in James 4:6 says **“But He gives more grace. Therefore, He says: *“God resists the proud, but gives grace to the humble.”*** I therefore commend you to the Grace of God Almighty which is able to keep you humble and deliver to you all the benefits that come with the rank of the SAN.
6. You have come at a time when the entire justice system is challenged in several respects, and your responsibilities as ministers of justice are higher on this pedestal. Your duty to protect the integrity and independence of the judiciary, provide direction to the people and advance the cause of this country has been cut out. God is your help and together we can make it happen. Congratulations!

PUBLIC PERCEPTION OF THE JUDICIARY

7. Today’s occasion is being held at a time when the judiciary has been subject of relentless public discussion possibly more than any other time in the history of Nigeria. Were this scrutiny constructive, there would hardly be any need as it were to dampen the mood of today’s event with a critical examination of the state of our judiciary. The responsibility of the legal profession to educate the Nigerian public on the state of the law cannot be overemphasized. It is a duty that cannot be ignored or treated with levity, as to do so will be to the peril of the entire nation. By educating the public, we help shape the expectation of the public with regards to the justice that we all, as members of the Legal Profession, are called to serve either from the Bench or Bar to the people of Nigeria. And this responsibility or duty cannot be performed by any other person or profession; only the Bench and the Bar can perform this sacred duty. Put differently, it is the sole responsibility of the members of the Bench and Bar, to dispense justice to the people, and if justice is, and yes, it is, at the core of the existence or survival of our nation Nigeria then, it necessarily follows that, the survival of this nation rests and lies in our hands. This in a nutshell, describes or depicts the enormity of the responsibility which has been thrust on us by reason of the privilege of our membership of the profession of law and we cannot afford to shirk the responsibility as the consequences of doing so would be grave; the resultant effect of the abdication of this sacred duty is chaos and anarchy.

8. We can all very easily say/pray to God to forbid chaos and anarchy, but humble and submissive as that may sound, merely saying or praying so in itself is an abdication; when God has given us all it takes to forbid a thing, it is abdication to look away from our God-given ability and call on Him to step in to forbid what He has already given us the power to forbid and we must act now and fast. It is therefore absolutely and uncompromisingly necessary that, in the performance of our work as Priests and Ministers in the temple of Justice, we remain focused and motivated by Justice. Whenever we describe the lady symbol of justice as blind (blind folded), she is only blind to extraneous factors and elements; the sentiments or prejudices which distract and detract from justice; all that the lady justice focuses on and sees, is justice. And, I should add that, the eyes by which she focuses and sees justice are the inner eyes - the inner eyes of the person of justice in members of the Bench and Bar (legal profession). This is the only way, the light, illumination and transparency that comes with the presence of justice can be experienced by us who serve justice and those for whom justice is served- when the eyes of justice (administered by the Bench and Bar) are focused, the entire polity/nation will be full of light/illumination, resulting in peace and development. This way, we achieve our role as socio-economic and political change agents of society.
9. There has never been a time in our history that the judiciary came under attack like this time, and my lords will agree with me that, more than 90 % of these attacks stem from election-related matters, which in so many ways have affected the other matters being handled by the courts. The question is, why do we have the preponderance of these accusations arise from electoral matters? – in cases dealing with politicians and political interests. Of course, this is not a recent phenomenon, for indeed this court had in the case of *Buhari v. INEC (2008) All FWLR (Pt 459) 419 at 570 – 571, paragraphs F - D* per Niki Tobi, JSC of blessed memory, observed thus:
- “It is sad that so much has been said in the newspapers of this country on the case. The new technology of Internet reporting has added to the comments, some of them doubting our integrity to do justice according to law. I regard them as blackmail, and I will not succumb to blackmail. ...*
- The way politics in this country is played frightens me every dawning day. It is a fight to finish affair. Nobody accepts defeat at the polls. The judges must be the final bus stop. And when they come to the Judges and the Judges in their professional minds give judgement, they call them all sorts of names. To the party who wins the case, the Judiciary is the best place and real common hope of the common man. To the party who loses, the Judiciary is bad. Even when a party loses a case because of a serious blunder of counsel, it is the judge who is blamed. Why? ...”*
10. The accusations and name-calling have, however, in recent times acquired a dimension that calls for grave concern and action. Whether we like it or not, it is these accusations, unfounded as they may be or can be, arising from these

political matters, that have largely shaped the public perception of the judiciary in Nigeria. Have we, members of the Bench and Bar, who are privileged to be the ones to guide the public in regard the matters of justice, contributed in any way to fueling this negative public perception? There is no gainsaying that the duty to guide and provide direction to the people of Nigeria is the exclusive preserve of the legal profession. While this is a privilege, it also comes with responsibilities.

11. First, let me be clear. There is no ambiguity in the NBA position concerning the cacophony of unsalutary comments that have dominated much of the recent conversations about the judiciary over the last few months. We condemn these in absolute terms. I must particularly mention that it is regrettable that an unacceptable number of these armchair critics have come from the legal profession. The gale of unfounded allegations based on disjointed and jaundiced review of decided election petition matters by some of our colleagues cannot but be disconcerting. In all this, there is yet to be any specific evidence of impropriety. All that we have seen is general condemnation of the entire judiciary.
12. I quote again, the first Nigerian to be called to the Nigerian Bar, Sir Christopher Alexander Sapara Williams, who noted that *“The legal practitioner lives for the direction of his people and the advancement of the cause of his Country”*. I also recall that Sir Adetokunbo Ademola, CJN (of blessed memory) had asserted that *“The respect in which the Bar in any country is held is the best indicator of the freedom in that country.”* These two profound statements are instructive, worthy of note and consideration. While the former speaks to all members of the Legal profession, the latter is specifically addressed to the Bar. We have a very critical role to play in society and that is not something to be toyed with or taken lightly.
13. The leading lights of the Bar have largely remained silenced when it comes to the education of the public on matters of law as it affects Nigerians, and this has greatly encouraged unprofessionalism amongst lawyers. This silence has continued to thrive and has allowed all manner of information, misinformation to percolate through the consciousness of Nigerians and have succeeded in molding their psyche along the lines of twisted information resulting in the attacks on the judiciary. Many unsavoury and inflammatory remarks have been made and are still being made by members of the Bar, denigrating and clearly inciting the public against the judiciary. Well laid down principles of law are twisted, tweaked, or taken out of context just to serve personal interests and not the cause of justice. These are made by persons who either deliberately misinform the public or do so out of sheer ignorance, not only of the law but also of the facts on which the courts are called to apply the law- neither of these two scenarios is acceptable. Indeed, this is the point at which legal scholars, experts in the areas concerned are expected to speak up, through articles and journals to state the proper perspectives of the law, set the record straight and provide guidance and direction to the public in line with our responsibility as legal practitioners to provide direction to the people.
14. What is more pathetic is the internationalization of these views. These colleagues have decided that the solution to the challenges that we face at home is to tell the world that

our judiciary and justice system are incapable of delivering justice. They talk about corruption in the judiciary with so much authority, it defies belief that even as lawyers they see no need for any evidence to back up their claims. At the recent conference of the International Bar Association, a former Attorney- General of one of our states gleefully and without a care in the world told an international audience that judicial service commission in his state of which he was a member, was immersed in corrupt practices. In very lucid terms, shared the story of how judicial appointments in his state were being sold for as much as 10 million Naira with lawyers and judicial officers in his state trafficking in judicial appointments. Quite apart from his tragic unawareness of his surroundings, he saw nothing wrong in being the Chief Law Officer of a system that traffics in judicial appointments, did nothing as the Attorney General, only to travel to Paris and render a report of his tour of duty in that manner.

15. I have written the said Senior Advocate of Nigeria, Mr Uche Ihediwa, SAN, a letter to supply me with the details of the persons allegedly involved in the racketeering of judicial appointments. I wrote a similar letter to Mr Myson Nejo the lawyer who said on national television that his client informed him that he had bribed the Chief Judge for a matter he was handling on behalf of the client, to do likewise. I find it amusing that these colleagues appear to be pitifully oblivious that the same international community sees them as products of the rot they gleefully proclaim.
16. Allowing such misinformation or deliberate distractions to pervade the minds of Nigerians, will only lead to uncivilized reactions to the justice delivery system with the attendant consequence of refusal to accept the product of the exercise, resulting to chaos and anarchy. Those who engage in election petition proceedings in Nigeria, form part of the crème de la crème of the legal profession in Nigeria. When we hear or read these statements often made by our colleagues (many of the inner Bar), we owe Nigerians the bounden duty to put the records straight and be deliberate about disseminating the true position of the law, to keep the expectation or reaction of the public within the bounds of law. We all know that cases are fought by the parties and adjudicated upon by the Courts based on what have been presented by the parties. Talking about electoral matters which is the focus here, it is the pleadings of the parties that circumscribe the limit of what the parties are allowed to do and the extent of what the courts are permitted to consider or look into. This is an elementary principle of law in every civil proceeding but how many non-lawyers – members of the public know this? Maybe we should also ask, how many lawyers know this? In the case of *ANYAFULU & ORS v. MEKA & ORS (2014) LPELR- 22336*, this Honourable Court held per *KEKERE-EKUN, JSC Pp. 34-35, paras. E-A, that:*

“Litigation is fought on pleadings. They are the pillars upon which a party's case is founded. Not only do they give the other side notice of the case they are to meet at the trial, they also define the parameters of the case. In other words, parties are bound by their pleadings...See: Nwkorobia v. Nwogu (2009) 10 NWLR (Pt. 1150) 553; Shell B. P. v. Abedi (1974) 1 SC 23; Ebosievs. Phil-Ebosie (1976) 7 SC 119; George v. Dominion Flour Mills Ltd. (1963) 1 ALL NLR 71.”

17. It follows that what the court will do or can do in any given matter depends on what was presented before it by the lawyers. The court will not go outside of what was presented by the parties. If the preponderance of the leading voices of the Bar will speak up to provide guidance, the public will be better informed, public reaction will be civil, confidence in the judiciary will be boosted, resulting in a stronger nation. This is my challenge to all my colleagues and perhaps this brings us back to the pertinent question asked by my Lord, Honourable Justice Niki Tobi, JSC (of blessed memory) in *Buhari v. INEC (Supra)* vis, ***“even when a party loses a case because of a serious blunder of counsel, it is the judge who is blamed. Why?”*** Could it be our professional work as members of the Bar are not subjected to scrutiny as to make us liable to our clients for professional negligence in the handling of their matters, such that it becomes convenient to point to the direction of the judges and justices and allege compromise as a cover up for our blunder as counsel? I strongly recommend that the ongoing process of the amendment of the Legal Practitioners Act, should consider subjecting the work of lawyers to assessment with the view to indemnifying clients in cases of professional negligence. Lawyers should be made to take out professional indemnity insurance policy.
18. My Lord, the Chief Justice, permit me to now speak on what I consider to be the contribution of the bench to what has now become our experience. My lords, we all know that the ultimate Judge of the universe is God Almighty- the creator of the universe, Who is God all by Himself; not created and does not depend on any one or thing to be God. He is the self-existent One. The two attributes that flow from His Throne are righteousness and justice. Your lordships, as you all know, but allow me to serve this as a reminder, are representatives of God on earth, to dispense justice to the people (who are made in the image and likeness of God), based on the laws we have accepted to guide and regulate our conduct as a nation. My lords with respect, it is from this standpoint that your lordships are always called upon to dispense justice to the people in the discharge of your lordships’ adjudicatory functions. It is in this wise that your lordships must not only serve justice but must ensure that justice is seen to have been served. As a matter of fact, beyond these, your lordships are under an additional duty to persuade or convince the public for whom justice is served, that indeed, justice has been served in any given situation. This duty, my lords, cannot be discharged by either the executive or the legislature. It is the exclusive preserve of the judiciary. It remains true that, at a time when public confidence in the executive and legislature has waned, the only hope is to resort to the judiciary. And where public confidence in the Judiciary is completely eroded, the only thing the executive and legislature can do, through the people is not to take over your lordships function but would be to reform the Judiciary to keep or regain that confidence.
19. The point I am making here is that the job of dispensing justice is that of the judiciary and only the judiciary can do it. Otherwise, the only other option would be for Nigerians to slip into self-help, with chaos and anarchy, but like I said earlier, we can forbid that. Therefore, for your lordships to perform this all-important function, the system has provided a set of rules, regulations, and code of ethics for judicial officers. The observance of these rules and judicial code of conduct, are meant to keep the product of what is served by the Bench, with the active, professional, and ethical participation of the Bar, acceptable as Justice, with the additional responsibility of ensuring that the public always perceives the Bench and Bar as being justice-minded

and people oriented, that is to say, a legal profession, primarily motivated by the desire to do justice, no more no less.

20. With the fast decline of the public confidence in the judiciary, while the several allegations of compromise against the judiciary remain baseless, unfounded, and unproven, there is the urgent need for the judiciary to sit back, introspect, recalibrate and relaunch itself in the opinion of Nigerians, with a renewed focus that will change the negative narrative, to elicit and command the confidence of the public. Judicial officers must take their oath and judicial code of conduct seriously; must avoid actions and omissions that will give the appearance of compromise. Like Ceaser's wife, judicial officers must be above suspicion – above reproach. Proven cases of judicial misconduct must be dealt with decisively.
21. In a lecture titled *Dissenting Judgements and Judicial Law Making*, in honour of Hon Justice Adolphus Godwin Karibi-whyte, JSC (of blessed memory) at the Nigerian Institute of Advanced Legal Studies, His Lordship, Hon Justice G. A. Oguntade, JSC, had this to say:

“A judicial system thrives when by its judgement, it instills confidence in the larger society that it is fair, impartial, and corruption-free in the adjudicatory process. A judiciary that is weak, corrupt and unreflective of the people’s aspiration is irrelevant to the people and doomed to collapse with time.”
22. All these, I must say, can only be achieved where there is synergy between the Bench and the Bar. Acts of professional misconduct by members of the Bar must be condemned and punished. The Bar will also pursue cases of judicial misconduct and ensure that they are dealt with appropriately by relevant agencies and/or authorities. This must be our common goal; the Bench and the Bar must collaborate in the fight to salvage the nation. We expect the Bench to expose any clear case of professional misconduct by members of the Bar, while on the other hand, the Bar must ensure that all efforts are made to expose provable allegations of judicial corruption.
23. Those members of the Bar who claim judges/ justices collect bribes, should quit being cowards and make bold to present the evidence to law enforcement agencies, even when the bribes are allegedly given by or through them. It is a sacrifice we must make to save the nation. I therefore call on the judge who alleged that a senior counsel attempted to bribe the Tribunal in Kano to forward the particulars of the counsel to us for disciplinary action. If this cannot be done, because the allegation was unfounded, the Bar demands an apology just as I have severally done for the unwarranted hurt caused your lordships by members of the Bar I must in this wise, commend the **Court of Appeal per Honourable Justice Boloukuromo Ugo Moses and Honourable Misitura Omodere Bolaji-Yusuf, JJCA** in that bold step of calling out and condemning the actions of members of the Bar who derided and treated the courts derogatorily. With due respect to this honourable court, the failure of your lordships to invoke the Court’s coercive powers despite the discourteous and irreverent manner in which some members of the Bar treated the Court in the wake of the Presidential Appeal proceedings before the Court, the threats, outright abuses, and derogatory remarks after the proceedings, did not help in sending the right signal to the public and worsened the perception of the public about the court and the judiciary at large. That the court did nothing; did not punish those who clearly went on a spree to denigrate the

Courts and the institution of the judiciary, made the public think that what was said of the court were true.

24. Much as some of us in the Bar do appreciate the basis for your lordships' silence over such despicable and unprofessional conduct (which was consistent with your lordships' code of conduct as judicial officers), it was, in my opinion, counterproductive. At the minimum, your lordships would have handed down some very hard strictures that would automatically have served as a basis for disciplinary proceedings against the erring members of the Bar. Until such examples are made, many will continue to lend their licenses to practice law as a tool to serve the whims and caprices of their clients, at the detriment of the profession and the country at large. While we know that this Honourable court recognizes the fundamental rights of citizens to free speech and access to justice, these rights must be exercised within the ambit of the law. They are not open-ended rights that are exercised recklessly and irresponsibly.
25. In an article published in the Washington University Law Review in January 1955, a former Chief Judge of the United States District of Columbia, Bolitha J. Laws, observed:

“We have read news and magazine articles criticising the courts. We have looked at many motion pictures which have depicted silly and sometimes dishonest court proceedings. Some criticisms have been justified, but many have not. Courts have suffered bitter censure for unpopular positions they have been compelled to take, positions which were absolutely sound in law and were necessary for the welfare of individual and nation. When judges have been subjected to the sting of false and misleading statements, it is shocking to them as individuals. This in itself may not be so important, but it is important in the extreme when the prestige of their courts is hurt. Let me be clear we have no fault with just criticisms. Citizens have the right to criticize. Indeed, one object of bringing citizens to confer with lawyers and judges is to get constructive criticism. But we like criticisms to be just and to be based on facts.”

26. In the preface to the book, Judicial Activism in India by Dr. G. B. Reddy, the learned Indian author, on the role of the Supreme Court of India, observed as follows:

“An Analysis of the judicial behaviour of the Supreme Court in the last two decades clearly shows that public adulation has not swayed the judges much and personal aggrandizement has been eschewed successfully, barring a few stray incidents. The judicial activism is no activism if it is not accompanied by judicial accountability. As Justice Robert Jackson of the United States Supreme Court said "we are not final because we are infallible, we are infallible only because we are final", the Supreme Court continues to be supreme but not infallible. 'Another development that needs to be mentioned in this context is the exercise of contempt power by the judiciary in recent times. There have been a few occasions, when the judiciary appeared to have become a little oversensitive to constructive criticism. In the words of Justice Krishna Iyer "free speech is a fundamental right, so too free access to justice, to strangle both these

freedoms because the courts are allergic to what they regard as savage criticism is to foster judicial tyranny or tantrum". At the same time, it is always better to remember that, where the contemner is a foolhardy bully or literary terrorist against the judiciary, heavy corrective sword should be unsheathed. (Underlining mine for emphasis)

I commend this approach to your lordships. For the many “**judicial bullies and literary terrorists**” in this country, this honourable court must, in the overall interest of the country, unsheathe its heavy corrective sword, accompanied with judicial accountability.

27. Although I have severally made the point clear, I will say it again for avoidance of doubt. I am by no means condemning in totality the criticism of judgements of court, however, as I have always said, such criticism must be constructive, done through well-researched articles, academic papers, books, scholarly debates, and panel discussions – not personal insults and attacks on the judicial officers. On this point I refer to the scholarly work done by the learned Senior advocate of Nigeria, Chief Charles Mkwunye, in his book “*Constitutional Law in Nigeria – Through the Judgements of the Supreme Court*”, where he dissected a decision of this honourable court, beginning with the dissenting opinion at the Court of appeal. Without going into details, I commend the learned silk’s work as an example of how lawyers should criticize decisions of court.
28. Let me turn my attention to other challenges facing the judiciary and the justice sector, even without the gale of election petitions that appear to have, in many ways, taken over our justice system. There is something fundamentally wrong with a justice system that shuts down at the end of every electoral cycle. It is a paradox of some sort that the judiciary is at the receiving end of problems that it did not create. The judiciary neither enacted the laws that govern the electoral system nor appointed persons saddled with the management of the process. It is certainly not the judiciary that removed the spirit of conceding defeat from our politicians; even those politicians who by any stretch of imagination and under any circumstances cannot win community association elections, have resorted to challenging presidential elections in our courts. Our colleagues who are now deeply emotionally tied to the politics of the moment should know that that this season of anomie will pass and what will remain forever is the legal profession and the justice system in which we eke a living. Even this, my lords, is a selfish concern. What is fundamentally important is the fact that this attitude and conduct, if not curbed, will only result in the collapse of our nation and we cannot afford to let that happen.
29. I share the concern of many of our colleagues about our collective inability to make rapid progress on the issue of judicial reform. Every aspect of our justice system and institutions requires rethinking in significant ways if we are to achieve our desire of a justice system that works in the interest of all Nigerians. I hear those who want to know what the NBA is doing. The record of achievements of the NBA during its more than 90 years of existence emphasizes that it is a dynamic force in improving Nigeria’s justice sector, including the maintenance and defence of the integrity and independence of the judiciary. However, it is important to note that the NBA has no compulsive power either over individual lawyers or government agencies. We have no legislative,

executive or judicial power. We have no patronage to dispense and no palliatives to distribute. Our powers are solely those of deliberation. We succeed so far, and only so far as we are able to appeal to reason and conscience of decision makers. We are leading from the front.

30. The Judiciary and indeed the justice sector is indispensable to the sustainability of our democracy. Infact, despite all the hullabaloo, the indispensability of the judiciary has been affirmed. What is now beyond doubt is that the current constitutional framework that governs our judiciary is not sustainable. There is an urgent need for a radical review of all aspects of adjudication. From the appointment of judicial officers, to matters of case management including limiting matters that should be heard by the supreme court. It is for these reasons that the NBA Judiciary Committee led by Babatunde Ajibade, SAN has over the past couple of months undertaken inclusive consultative process aimed at putting forward a comprehensive NBA position on judicial reforms. We shall shortly be presenting our position to the National Assembly as part of the ongoing constitutional review process. We are also concerned about the condition of service of judicial officers.
31. Our concern is by no means limited to the issue of remuneration. The entire working environment of all judicial officers, particularly those in the lower courts, requires urgent review. We have focused on judicial remuneration as part of our contribution to the ongoing review of public officer remuneration by the Revenue Mobilization Allocation and Fiscal Commission. The NBA Working Group on Judicial Remuneration and Conditions of Service jointly chaired by Olawale Fapohunda, SAN and I have put together an advocacy briefing note for the consideration of the Presidency and the National Assembly. In verry specific terms, it simply cannot be right for our judicial officers to be on the same salary and allowances structure for more than two decades.
32. I must not fail to note that, though some Nigerians have brazenly come out to desecrate the Judiciary and labelled the institution all kinds of derogatory names, the fact remains that most Nigerians still look to the judiciary as the final resort to protect their rights and secure probity in public life. Like I said earlier, it is only the judiciary that can discharge this sacred duty, and we must get it right! Only recently, this Honourable court in what was described as a people-oriented decision, salvaged this country from the brink of economic collapse through the decision in **Suit No.: SC/CV/162/2023 Between Attorney General of Kaduna State & 9 Ors. Vs. Attorney General of the Federation & 2 Ors.** – the Naira Redesign Policy of the then government of President Muhammadu Buhari. Even though those “foolhardy bullies and literary terrorists” against the judiciary, did not relent in their reckless attacks on the court, they now carry Naira in their pockets, do transactions for themselves and their families, but have refused to acknowledge the rich intervention by this court which they greatly enjoy. Notwithstanding such attitude your lordships are encouraged to continue to discharge your constitutional duties without fear or favour, affection or ill-will, and remain judicially accountable to the larger number of Nigerians who still see and recognize the judiciary as the place of final resort for the protection and enforcement of their rights.

JUSUN

33. Another important part of the struggle for the independence of the judiciary which we have missed out (largely ignored) is the demands by the Judiciary Staff Union of Nigeria (JUSUN). The Union is no doubt an important part of the discharge of the primary role of the judiciary in adjudication. JUSUN had on 2 September 2023 issued a 21-day ultimatum for the full implementation of judiciary financial autonomy. I met with the leadership of JUSUN to intervene, knowing that a strike by the Union is a shutdown of the entire judiciary with devastating impact on the economy. We have started making contacts with all the critical stakeholders and the office of the Honourable Attorney General of the Federation to find ways of ensuring that their demands are met. This will go a long way in strengthening the work of your lordships and guaranteeing the independence of the judiciary.

CONCLUSION

34. As I conclude, I wish your Lordships God's strength and the wisdom to carry out the assignment set before your lordships. I wish the court a fruitful year ahead and on behalf of the NBA, I reiterate our commitment to maintain a robust Bench and Bar relationship from the understanding that we are both agents of the same principal (Justice) performing different functions to serve the cause of Justice. The Bar, under my watch, will continue to defend the integrity and independence of the judiciary and in the same vein, hold the judiciary alongside other arms of government accountable to the people of Nigeria.
35. Once again, I congratulate my new brothers of the silk and welcome you all to the inner Bar.
36. Finally, I thank your lordships for the opportunity to address this august occasion, and I thank everyone present for listening.


Yakubu Chonoko Maikyau, OON, SAN
PRESIDENT