



# NIGERIAN BAR ASSOCIATION

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## NEW YEAR MESSAGE

1 January 2024

Distinguished Colleagues,

It is with great delight and joy that I wish you all a glorious New Year – 2024 and beyond. We are thankful to God Almighty for the blessings and successes of 2023 despite the challenges, within the legal profession and the country at large. We are grateful to God for the gift of life to witness the New Year – it is a privilege which must not be taken lightly or for granted. It is my heartfelt prayer that 2024 will be filled with joy, goodness, and remarkable growth in our personal and professional lives, and as a nation.

As the new year unfolds, I wish to take the liberty to remind us once more of the critical role we play in nation-building. We must, as members of the legal profession, re-awaken to our primary responsibilities to our nation and its people. As encapsulated in the words of Sir Christopher Alexander Sapara Williams, *“the legal practitioner lives for the direction of his people and the advancement of the cause of his country.”* The enormity and crucial nature of this responsibility thrust on us by the sheer privilege of our membership of the legal profession was underscored by Sir Adetokunbo Ademola, CJN (of blessed memory), when he said that *“The respect in which the Bar in any country is held is the best indicator of the freedom in that country.”*

With this understanding, we must fight for the restoration and preservation of the dignity of the legal profession. This is the fight that we must engage in with every fibre of our being, if we are to recover, reform, and reposition Nigeria in every facet of our national life. It is the legacy we must strive to bequeath to the next generation of lawyers, to sustain the socio-economic and political re-engineering, as we chart the course of Nigeria’s nation-building. It was Rt. Hon. Baroness Patricia Janet Scotland, KC, the Secretary General of the Commonwealth, who defined the modus by which all these can be achieved by us in the following words:

*“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.”*

Consequently, we cannot afford to fail in the discharge of our primary responsibility of providing leadership and guidance on matters that affect the socio-economic and political development of our nation. In doing this, we must continue to demonstrate high regard for professionalism and ethical standards, in order to earn the respect and confidence of the Nigerian public, to whom we provide direction, and, on whose behalf, we advance the cause of our country. This is the only way we can position ourselves (as members of the legal profession), to hold government accountable to the people, and is why we remain very big and strong on the observance of the highest ethical and professional standards, by all members of the legal profession serving on the Bench and the Bar.

### NATIONAL OFFICERS:

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As we interact with fellow Nigerians at all levels, I call on us to always bear in mind that our primary call is to justice – to ensure that justice is done in all circumstances and to all people, irrespective of their religion, ethnicity, age, or class. Therefore, Justice, and not remuneration for service, must be our primary motivation in all we do. As Ministers in the Temple of Justice, it is to the person of Justice we owe our primary allegiance. While remuneration for the services we render is good (and I encourage us to ensure we get paid for work done), it must never be the primary motivation for the work we do – we must be primarily motivated by the cause of the people. That is the path of honour and our sure drive to national development.

In this new year, let us commit individually and collectively to the protection and preservation of the integrity and independence of the Judiciary and the Bar, and fervently promote the rule of law in our Country. We shall stand with the Courts and do everything legally permissible to protect the integrity of the Bench against any form of intimidation by the political class, any person or group of persons, including our colleagues. On the other hand, the courts must in all respects, complement and support the Bar in the fight to protect the integrity of the institution of the judiciary. I will come back to this shortly.

May I use this opportunity to call on government at all levels to show demonstrable respect for its social contract with the people of Nigeria by adopting and implementing people-oriented policies and programmes, which align with sustainable development ideals and principles. Government must deploy radical security and economic policies that will address increasing case of inequality and instability in the polity. It must consciously and deliberately take steps to build a society that works for all Nigerians.

### **On National Security**

In the Inaugural Address of the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, His Excellency, Asiwaju Bola Ahmed Tinubu, GCFR, on 29 May 2023, he clearly assured Nigerians that security shall be top priority of his administration. In the President's words:

***“Security shall be the top priority of our administration because neither prosperity nor justice can prevail amidst insecurity and violence.***

***To effectively tackle this menace, we shall reform both our security DOCTRINE and its ARCHITECTURE.***

***We shall invest more in our security personnel, and this means more than an increase in number. We shall provide, better training, equipment, pay and firepower.”***

The above statement is not only a clear and unambiguous commitment by this administration to tackle the issue of insecurity, but also a demonstration of an understanding of the nature, scope and dimensions of the insecurity challenges, and the possible measures that can be taken to address them. While it may be too early to hold this government strictly accountable to this commitment, the recent incidents in Kaduna and Plateau States, give cause for grave concerns; the drone strike by the military on Tudun Biri which left over 100 Nigerians dead and the December attacks by bandits on villages in Plateau State, leaving nearly 200 Nigerians dead. These are just two of many other attacks on Nigerians across the nation, in addition to the kidnappings, murders and other forms of criminal activities which have unfortunately unleashed mayhem on Nigerians in a sustained fashion. From information made available by the military and other security sources, the Tudun Biri incident is suggestive of the gap in our security

architecture – lack of inter-agency synergy and coordination, while the attack in Plateau is clearly indicative of poor intelligence gathering or, a deliberate failure to act despite the intelligence on the impending attacks on the villages, or notice of the attack on the villages by the bandits, as reported by community leaders.

Given the commitment by Mr President as highlighted above, these attacks as well as others across the nation howsoever described, by criminal elements by whatever name called, are completely inexcusable and unacceptable. The entire nation is swimming in the pool of the blood of its citizens and we seem to have become numb to it and insensitive to the bloodletting in this country. We appear to have lost our humanity and these incidents are fast becoming a norm and a part of our existence. This trend must be reversed! I am confident that this is doable and can be achieved under the current administration if the right measures are deployed urgently, as a matter of emergency. The resolve of the military and other security agencies to deal with this menace is also not in doubt, but government must put them in the position to discharge their constitutional responsibilities. Government must also watch very closely for selfish elements who may not wish this situation to abate because of their personal benefits. People who leverage on the woes of fellow countrymen to further their cause of whatever nature must be stopped by all means. We condemn these attacks across the country in the strongest terms; the bloodletting is inhuman, barbaric, and satanic to say the least.

I call on President Bola Ahmed Tinubu to show demonstrable commitment to prioritize the security of the lives and properties of Nigerians as already committed by him. Government, through our Armed Forces and other security agencies, must ensure that no square inch of the Nigerian territory is left ungoverned; no part of Nigeria should be left under the control of criminal elements by whatever name so called. Government must make deliberate investment in security, of such a scale and magnitude, which will leave Nigerians in no doubt as to the sincerity of the statement made by the President. The Federal Government must adopt a wholistic approach to the issue of security while not overlooking the peculiarities of each region and design bespoke measures to deal with them. In this wise, the government must neither be “scared” nor “ashamed” to make the right investments in security, in line with global trends in security, without compromising our sovereignty.

What Nigerians require is a well thought-out, informed, all-inclusive and purposeful intervention, with as much information made available to the public as may be dictated or permitted by the security situations from time to time. This will reassure Nigerians of the sincere commitment of the government and will build back the fast-diminishing confidence in the ability of government to deal with our security challenges. This is very important!

Beyond getting the right tools and equipment, the welfare of security personnel must be reviewed to improve the lot of officers and men of the Armed Forces, and other security personnel, in and out of service. One of the reasons why service men and women misconduct themselves while in service is the poor condition of service and neglect or even abandonment when in retirement. Banditry, terrorism, and all other forms of criminal activities go on unchecked or poorly checked, largely because of poor equipping and personnel-strength to deal with them decisively and swiftly. This impacts negatively on the morale of service personnel and must be immediately and deliberately reversed. To this extent, we must declare a state of emergency in the area of security if we are to make any meaningful progress in this regard. As rightly noted by President Tinubu, neither prosperity nor justice can prevail amidst insecurity and violence.

### **On the Economy**

While the reports on the ongoing interventions on government owned refineries are refreshing as we are hopeful that we shall soon stop the export of the beans we cultivate on our soil to import *moi moi* and *akara*, it is important that these measures are not merely intended to serve on a short term. It must be a plan to ensure that we never return to the export of our crude to import its by-products. The Dangote Refinery, with its capacity is huge boost to our economy like never before. Government must continue to create enabling environment and provide the necessary support for such national and patriotic ventures to emerge in all aspects of our nation's economy.

The commitment by the administration of President Asiwaju Bola Ahmed Tinubu, GCFR to, amongst other things, adopt fiscal measures that will promote domestic production and lessen import dependency, undertake budgetary reforms that will stimulate the economy without engendering inflation and improve on the generation and transmission of electricity, are highly commendable. With the passing of the 2024 Budget by the National Assembly, it is now left for Mr President to demonstrate to Nigerians that these are not mere rhetoric. We shall remain hopeful that the president will deliver on his promises to Nigerians. And while we call on all Nigerians to support genuine government efforts at realising these undertakings, we shall not shirk our responsibility, as the watchdog of the Nigerian people, in holding government to account.

The diversification of our economy is not an option. Government must deliberately and heavily invest in agriculture amongst other sectors of the economy. In my letter to the President on 12 June 2023, I did observe that, a litre of groundnut oil cost more than a litre of PMS, and there is no reason we cannot explore our agricultural potentials to further boost the economy. Government must invest in agriculture almost, if not more than, what is presently being put into the petroleum sector. This is the only way we can deal with the imminent threat to food sufficiency and food security, already worsened by the activities of bandits, terrorists, and other criminal elements.

Additional measures must be put in place to address the ensuing and increasing difficulties associated with the subsidy removal. Nigerians need to be reassured that their sacrifices would count for something, and genuine efforts are being made to ensure that their pain and suffering will be short-lived.

### **On the Administration of Justice**

We have severally, since the beginning of my administration, made calls for the reform of the Justice Sector. While this remains our call on government, I must state that the negative perception about the Judiciary is an issue that must be dealt with decisively by all members of the legal profession – particularly the judiciary itself. I therefore make this call on the judiciary as I have done previously and will continue to do, to constantly bear in mind that we all have been called to dispense justice to the people for the effective functioning of the society. In doing this, members of the bench must not only serve justice but must ensure that justice is seen to have been served. Beyond dispensing justice, judicial officers 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 is impossible to achieve when public confidence in the judiciary has waned. Therefore, in performing this all-important function, judicial officers must be careful to observe the regulations and code of ethics for judicial officers. This is what ensures that the public always perceives the Bench as being just and fair and makes their decisions more readily acceptable to the people as justice.

Judicial officers must take their oath and judicial code of conduct seriously; they must avoid actions and omissions that will give the appearance of compromise. Like Ceaser's wife, judicial officers must be above suspicion – they must live above reproach. Proven cases of judicial misconduct must be dealt with decisively. Persons who make allegations of compromise against judicial officers must be called on to substantiate their allegations otherwise, spurious allegations will be allowed to gain root in the minds of members of the public, be taken as true, and will keep eroding the confidence in the judiciary. No one should be allowed to castigate and denigrate the institution of the judiciary by making unfounded and unsubstantiated allegations. Action must be taken to stem the practice where castigating the decisions of the courts by legal practitioners and members of the public on electronic and social media platforms, seem to have become the order of the day. We must return to the practice of scholastic examination of the judgements of courts and through this, guide the courts and the public. We must also in cases of any alleged compromise, be bold and courageous enough to engage the relevant authorities with proof of any such allegation and insist on the discipline of the judicial officer. Mere bare, general, and unfounded allegations only hurt the polity with the grave consequence of destroying the nation, because the people have lost confidence in the judiciary; it will result to self-help and chaos to the detriment of the entire country.

In the words of His Lordship, Hon Justice G. A. Oguntade, JSC:

***“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.”***

We must remember that the existence of a people is directly connected with the presence or otherwise of justice. As noted by Sheikh Uthman Dan Fodio: ***“a people can exist without religion, but they cannot exist without justice”***. It is ***“righteousness that exalts a nation, but sin (compromise) is a reproach.”*** It, therefore, follows that our responsibilities as ministers in the temple of justice are intricately connected with the existence of our nation Nigeria. This calls for sober reflection and urgent action.

The judiciary must sit back, introspect, and relaunch itself positively in the estimation of Nigerians, with a renewed focus that will change the negative narrative and command the respect and confidence of the public.

Finally, the great potentials with which we are abundantly endowed as a nation; human and material resources, must be translated into our experience. And it is in playing our roles, individually and collectively, that we can achieve this and make Nigeria the great nation we all desire to see and live in.

I thank you for your attention, and once again, I wish you a very Happy and Glorious New Year.

Best regards,

  
**Yakubu Chonoko Maikyaau, OON, SAN**  
PRESIDENT