



NIGERIAN BAR ASSOCIATION

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12 June 2023

Asiwaju Bola Ahmed Tinubu, GCFR
President and Commander-in-Chief of
the Armed Forces of the Federal Republic of Nigeria
State House, Aso Villa
Abuja

Your Excellency,

CONGRATULATORY MESSAGE

1. May I, on behalf of the Nigerian Bar Association (NBA) take the liberty, privilege, and honour of extending to you my warmest congratulations on your swearing in and assumption of office as the sixth democratically elected President of the Federal Republic of Nigeria. If numbers do have any significance and I believe they do, then, your assumption of office as the sixth democratically elected President, is to usher Nigeria into the phase that signifies the completion and perfection of the establishment/entrenchment of the solid and unshakable foundation of our democracy. This makes today, **12 June 2023** – Nigeria's Democracy Day, remarkable as we remember the labour and sacrifices of our heroes past and present, and our collective resolve to build a country of our dream on this solid foundation. Thank you for rekindling the spirit of the June 12 struggle. Again, I congratulate Your Excellency.
2. In **January 2023**, while you ran with others for the exalted office of the President of the Federal Republic of Nigeria, the NBA, for the first time convened a State of the Nation Dialogue, covering **three (3)** thematic areas of Security, Economy, and Administration of Justice. We sent invitations to all the presidential candidates. Many of whom responded by personally participating in the dialogue. I must acknowledge that though Your Excellency did not personally attend the Dialogue, a worthy representative in no less a personality than one of our respected senior members, **Dr. Hassan Muhammad Liman, SAN**, was present to give an insight into what Nigerians at the time should expect from you, were you to win the election. By the grace of God, we did not only hold an election in Nigeria, but you were also declared the winner and consequently inaugurated as the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria. I attribute this to God knowing that there is no authority or government established except one which is permitted by God Almighty. This no doubt comes with its corresponding responsibilities on Your Excellency, resulting in dual duty of accountability to God Almighty Himself and to the people of Nigeria.
3. When the NBA convened the State of the Nation Dialogue, we were motivated by our modest understanding, as Sir. Alexander Sapara Williams put it, that ***“the legal Practitioner lives for the direction of his people and for the advancement of the cause of his country.”*** We understand that the privilege we enjoy of being members of the profession of law – the only noble profession, puts us in a place of responsibility to the people; holding those who occupy public offices accountable on behalf of the Nigerian people. And now that the lot has fallen on Your Excellency to drive the affairs of this nation, the NBA which I have the privilege under God to lead at this time, will not shirk its responsibility to the people of Nigeria. I had earlier in the year apologised to the Nigerian people for what I consider an abdication of this responsibility by the

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legal profession. In my Inaugural Address as President of the NBA, on the **26 August 2022**, I made a call on all lawyers on the following note:

“There has not been any time in this country when Nigerians have looked more to the Bar as they do now, for a way out of the rather bleak situation, and they are certainly looking in the right direction. We are the ones who, by the privilege of our training and expertise, are positioned to ask the right questions, interrogate the system, and call those saddled with the responsibility of providing security for the lives and properties of Nigerians, to account for their stewardship. Permit me to borrow from a biblical expression and to say that; just as the entire world is eagerly waiting for the manifestation of the sons of God, so are Nigerians eagerly waiting for the discharge of the leadership responsibility and interventions of the members of the legal profession. We have what it takes to precipitate the leadership that will bring the succour and freedom Nigerians deserve and we cannot afford to shirk from that responsibility.”

4. I am proud to inform Your Excellency that the legal profession is back on track and shall serve the Nigerian people. And just for the records, the NBA remains the largest and the most influential Bar on the continent of Africa with **128 Branches** across the country.

National Security

5. I note with great delight the steps already being taken by Your Excellency and the avowed commitment to rejigging the security architecture of this Nation. Needless to say, none of the lofty promises Your Excellency made which have engendered such great hope and expectations of Nigerians can be achieved or realised without wholistically dealing with the issue(s) of security. We must look very critically at the peculiarities of our security situations and design bespoke measures to deal with them, while ensuring that continental, cross border, and international collaborations are carefully exploited to deal with our security challenges. We must consider diplomatic strategies to address these issues because of the global trends in security.
6. Your administration must neither be afraid nor ashamed to make the right investments in the security of this country. What Nigerians require is a well thought-out, informed, all-inclusive and purposeful intervention, with as much information made available to the public, to the extent permitted within the parlance, so as to reassure Nigerians of the sincere commitment of government in the area of security. This is necessary to build back the confidence we individually and collectively need as a people. Government must be transparent; the people must, by deliberate and conscious investment in manpower development and equipment purchase/procurement, be taken out of the state of fear, which decades of bloodshed and flourishing criminal activities have plunged the country into; the psyche of Nigerians must be recovered from the place of despair and despondency! The right people must be given the task of implementing security plans and policies. To achieve this, respect for professionalism must be the primary consideration in all deployments to be made by your administration. We in the NBA would hold Your Excellency accountable to your commitment to prioritise security. As rightly affirmed by Your Excellency *“neither prosperity nor justice can prevail amidst insecurity and violence.”* There is no denying that our present-day experience is one that has hampered the prevalence of prosperity and justice in many respects.
7. In a letter I wrote to the Inspector General of Police in **January 2023**, I did lament the plight of the Nigeria Police Force *vis-à-vis* the expectation of Nigerians in the discharge of their constitutional responsibilities of protecting lives and properties. I said, *“...let me take the liberty to speak about the welfare of the officers; men and women of the NPF. The conditions under*

which your officers and men operate is, to say the least, pitiable. Sir, without deliberate and appropriate investment in the improvement of the welfare of officers and equally equipping them to function effectively and efficiently, it will be hypocritical if not fraudulent, to expect any meaningful result from the Police in its constitutional duty of protecting the lives and properties of Nigerians.”

8. Your Excellency, this statement applies to all the security agencies in Nigeria. It is what we put in that will determine what we get. The difficulties or inabilities of our Armed Forces and other security agencies to carry out successful operations; suffering casualties and fatalities in the process of discharging their constitutional duties, are largely due to the lack of adequate investment in the security sector occasioned by a myriad of issues, not the least of which is the misappropriation of funds budgeted for that purpose. We must declare a state of emergency in this area if we are to make any meaningful progress. Banditry, terrorism, and all other forms of criminal activities go on unchecked or poorly checked. This is not so much because our security personnel are unwilling to, or lack the courage to respond to the situation, but because they lack the capacity in terms of equipping and personnel-strength to do so. Mr President, we are confident in our ability as a nation to deal with these problems, we only need the political will in our leaders to do so. We completely agree and shall hold Your Excellency accountable to the declaration that the solutions ***“are within our proximate reach because my name is Bola Ahmed Tinubu, and I am the President of the Federal Republic of Nigeria.”*** You truly have all it takes in that exalted office to deliver on this task. On our part, the NBA declares its unflinching commitment to play our role and call on all Nigerians to support the fight against insecurity in all its ramifications, so help us God!

Economy

9. One of the issues that featured prominently in the discourse on the economy during the NBA State of the Nation Dialogue, was the issue of fuel subsidy. We had divergent views from two seasoned economists who passionately propounded their theories for and against the removal of subsidy. Your Excellency has on the get go, taken this bull by the horns. The preponderance of views, arguments and propositions clearly favour the removal of subsidy. To this extent and based on the opinions of persons who have had the opportunity of in-depth examination of the subject, Your Excellency should be assessed as having taken the right step in the right direction. What remains however, is the need to immediately deploy such measures that will address the ensuing difficulties associated with the withdrawal of the subsidy.
10. With the level of infrastructural deficits in many respects and the reliance on petroleum products as the primary source of power for most businesses, entrepreneurs and private users, there is the urgent need to put in place policies that will help cushion the effect of this otherwise laudable decision before its positive impact will begin to be felt or noticed within our socio-economic space. We note Your Excellency’s call on Nigerians to make sacrifices and bear the pains of subsidy removal with the assurance that, ***“the government I lead will repay you through massive investment in transportation infrastructure, education, regular power supply, healthcare and other public utilities that will improve the quality of lives”***. This assurance, offers a genuine basis for the sacrifices expected of Nigerians and the NBA shall on behalf of Nigerians, watch out for the fulfilment of this covenant. Your Excellency, the pains and suffering of our people must never be taken for granted; it must count for something.
11. At the wake of the Naira redesign policy embarked upon by the Central Bank of Nigeria (CBN), on the directive of the President, the NBA engaged in wide consultations with critical stakeholders in the country to assess the possible impact of the policy on the economy and the people of Nigeria. The NBA in a letter addressed to the CBN Governor dated **23 January 2023** articulated its position on the Naira Design Policy. The NBA commended the policy as it was expected to help stem corruption, make for easy detection of the funding of terrorism/other

criminal activities and limit/allay fears of politicians' using large sums of cash to buy votes in the elections. We however expressed concern as to whether the implementation of the policy in the manner it was conducted will not bring more loss, stifle economic activities, and result in more hardship to the same Nigerians it was meant to serve. When we got no response whatsoever, we wrote another letter dated **1 February 2023** to the CBN Governor.

12. It is worthy of note that, it was the position of the NBA in the letter of **23 January 2023** that formed the basis of the action instituted in **Suit No. SC/CV/162/2023 Between Att. General of Kaduna State & 9 Ors v AG. Federation & 2 Ors.** leading to the judgment of the Supreme Court delivered on the **3 March 2023**. In my statement which called on the then President to immediately comply with the orders of the Supreme Court, I noted thus:

“As the hardship and difficulties encountered by Nigerians on this policy bite harder, we witnessed some feeble attempts at ameliorating the situation but as it is with every policy which fails to properly reckon with the law upon which it is meant to operate, the outcome will hardly be beneficial. The manner in which the CBN proceeded with the implementation almost without regard for the apparent sufferings of the people as could be seen across the country began to raise questions as to the true motive of the cash redesign policy. Nigerians did not have to die and neither should there be any loss of properties on account of the implementation of a Naira redesign policy if properly undertaken. Unfortunately, and sadly so, that was our experience; Nigerians died, properties were destroyed and lost; there is hunger in many homes as people are unable to use their hard-earned funds which they deposited in the banks because of the apparent high handedness of the policy. The rural economy was stifled. Economic activities have dwindled, many farmers engaged in dry season farming have not been able to cultivate their farmlands – only about one out of every ten hectares of rice fields have been cultivated in most parts of North-western States. Food security has come under threat as the cash crunch has affected ability of rural farmers to engage in farming activities. Simply put, the implementation of the policy appears not to have a human face.”

13. The abovementioned decision of the Supreme Court highlights a phenomenal but unfortunate dimension of disrespect/contempt for the judiciary, disobedience of the orders of no less the Supreme Court of Nigeria by the former President. It is our expectation that such a situation which caused the Supreme Court to make far-reaching pronouncements on the conduct of the former President will not reoccur. Your Excellency had earlier in your address today observed *“that the unnecessary illegal orders used to truncate or abridge democracy will no longer be tolerated.”* While the NBA will at all times vehemently oppose any attempt by any person or group of persons to truncate or in any way abridge our democracy, it is important to note that the determination of what constitutes *“illegal orders”* still remains a matter within the exclusive preserve of the courts of law. The NBA looks forward to Your Excellency's demonstration of high regard for the rule of law and the orders of the courts of the land.
14. Furthermore, I respectfully call on Your Excellency, as you go on with the reforms and restructuring of the financial sector, not to lose sight of the fact that, the situation may be worse than what we witnessed as the harsh and inhumane consequences of the Naira redesign policy immediately thereafter; death, loss of investments, businesses and livelihood, unless measures are urgently put in place to address the long term effect of the policy on the Nigerian economy. We must pay particular attention to food sufficiency and the threat to food security occasioned by the policy as highlighted above. Government must deliberately and heavily invest in agriculture amongst other sectors of our economy. If a litre of groundnut oil costs more than the litre of PMS – a litre of groundnut oil in my village costs **N950** while a litre of PMS is **N540**

(after subsidy removal) – there is no logical reason, with our great agricultural potentials, why we should not have ten times the value of investment made in the petroleum sector, in agriculture. It does not make any kind of sense for us to cultivate cassava or beans for export to countries that do not grow these crops, have them processed into *garri* and *moi-moi* respectively and be imported into Nigeria for local consumption. Your Excellency, this is what we have been doing with our God-given crude oil.

Administration of justice

15. Mr. President, some of the statements made by Your Excellency shortly before inauguration, on the need to improve on the welfare of judicial officers and invest in the administration of justice generally in the country, were very comforting and refreshing. But this, for me, was short-lived when I listened and read Your Excellency's Inaugural Address and found nothing specifically on the judiciary, except the mention or reference to the rule of law in terms of the decision by your opponents in the just concluded election to seek redress in Court. This left me wondering and having to speculate on the position of this administration on judicial reforms, particularly on the need to invest heavily as a matter of urgency if not emergency, on the justice sector. But on the other hand, if the antecedents of Your Excellency as the Governor of Lagos State are anything to go by, my expectation for the judiciary from your administration should not be completely dashed. This expectation grew even stronger when, this morning, Your Excellency acknowledged that the democracy we enjoy and celebrate, ***“is about the rule of law and vibrant judiciary that can be trusted to deliver justice and strengthen institutions”***. This statement was evidently borne out of the understanding of the critical role of the judiciary in the existence of any nation and the survival of democracy. It is our expectation that commensurate investment will be made to actualise the enthronement of the rule of law and to build that judiciary that can be so trusted to deliver justice and strengthen our institutions. Let me respectfully say that, as with the other matters specifically mentioned in Your Excellency's inaugural speech, this too is doable, it is achievable and should be a priority to this administration given the relationship between justice, security and the existence of a people or nation. And just as Your Excellency declared on those specific issues mentioned in the inaugural speech, the solutions to the justice sector ***“are within our proximate reach.”***
16. The welfare of Judges and Justices will appear to have been deliberately ignored by successive administrations. The last time the salaries and allowances of judicial officers were reviewed was in **2008** despite inflation and our concrete economic realities. The conditions under which Judges and Justices work is pitiable and shameful for a country that has exported legal knowledge and service to other parts of the continent and across the world. A complete overhaul in the justice sector is necessary. The security of judicial officers like other members of the society, have come under severe attack, judges have been killed, kidnapped by bandits, terrorists, and other criminal elements. Only recently, the husband of a very senior justice of the Court of Appeal was brutally murdered in their home without any response by government and neither is there any indication that the matter is being investigated with the view to bringing the culprits to justice. Unfortunately, this seems to have become the norm and is impacting negatively on the due administration of justice. Judges and justices are not in the right frame of mind to adjudicate, just as other Nigerians are resorting to other means of settling their grievances, due to lack of confidence in the ability of the state to secure their lives and properties.
17. The need to reform our justice sector has permanently been a subject of national discourse since Nigeria's return to democracy in **1999**. Several high-level committees were set up by successive administrations to review specific institutions within the justice sector. In particular, the Judiciary, Police Force and Correction Service, have at several times been subjects of multiple reviews. Many of the problems identified include poor coordination among the different actors in the sector; prolonged delays in hearing cases; lack of effective legal aid to help the poor to access justice; overcrowded prisons; critical allegations of corruption within key institutions and poor

conditions of service across the sector. Public confidence in the justice system remains at extremely low levels.

18. Your Excellency has severally reiterated a commitment to an accessible justice system that promotes constitutional values, is transparent, responsive and provides justice for all. The present challenge is to translate this statement of commitment to tangible outcomes for all Nigerians and all communities, regardless of ethnic group, gender, economic/social class, or any other difference. A combination of limited political will including government's poor understanding of what needs to be done, the lack of merit-based appointments to leadership positions of key justice sector institutions and the appointment of persons without subject matter appreciation or passion for reform, have proved serious obstacles to achieving reforms in this sector.
19. We would be stating the obvious by saying that every aspect of our judicial infrastructure requires fundamental rethinking. Our approaches to policing, adjudication, bail, sentencing, imprisonment needs change in significant ways. Achieving the desired justice system will be a process, not an event. Nevertheless, change must be accelerated to keep up with the expectations of Nigerians, particularly those of the poorest and most vulnerable communities. Such change must be thoughtfully planned and carefully managed. We are confident that under your able leadership, Nigeria will be able to respond effectively to these various challenges.
20. Subject to the observations we have made in this letter, we support Your Excellency's commitment to Nigerians on the five principles that will guide your administration as outlined in your inaugural speech. For avoidance of doubt, Your Excellency stated that:

“The principles that will guide our administration are simple:

1. *Nigeria will be impartially governed according to the constitution and the rule of law.*
2. *We shall defend the nation from terror and all forms of criminality that threaten the peace and stability of our country and our subregion.*
3. *We shall remodel our economy to bring about growth and development through job creation, food security and an end of extreme poverty.*
4. *In our administration, Women and youth will feature prominently.*
5. *Our government will continue to take proactive steps such as championing a credit culture to discourage corruption while strengthening the effectiveness and efficiency of the various anti-corruption agencies.”*

21. The NBA appreciates the great potentials with which we are endowed as a nation; human and material resources are in abundance both in quality and quantity. All we need to translate our potentials into our experience as a people is to think right, strategise right, and take right decisions and approaches in addressing the needs of Nigerians. We must get it right!!
22. It is in the light of our understanding and responsibility to the Nigerian people that the **2023 Annual General Conference of the NBA (NBA-AGC)** scheduled to come up between **25 August – 1 September 2023** at the MKO Abiola Stadium Abuja, is themed: ***Getting it Right; Charting the Course for Nigeria's Nation Building.***
23. Most respectfully Your Excellency, the 2023 NBA-AGC affords the opportunity to unveil the plans of your administration for the benefit of the Nigerian people, on no less a platform than unarguably, the largest professional platform in Nigeria – the noble profession of law. We are delighted that Your Excellency found one of our illustrious members, **Rt. Hon Olufemi Hakeem Gbajabiamila, CFR**, worthy to serve as the Chief of Staff (COS) to the President. I congratulate Your Excellency on this appointment - the second member of the Bar to be so

appointed. We are confident, the COS will continue to be a worthy ambassador of the Bar. The 2023 NBA-AGC will also afford us the mutuality of understanding the rationale behind the policies of your administration as maybe unfolded, which may engender the support of the legal community and at the same time put the NBA in position to perform its critical role as socio-economic and political change agent of the society; a watch dog for the Nigerian people.

24. We as lawyers, will continue to fight for the people of Nigeria, in the manner the Secretary General of the Commonwealth, Rt. Hon. Patricia Scotland KC, described us:

"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."

25. The NBA shall stand with your administration in the context of our duties and responsibilities aforesaid, and it is our prayer, hope and desire that your tenure in office President will bring peace, development, prosperity and empowerment to the Nigerian people. Nigeria must be recovered, reformed and repositioned as the great nation that we are.
26. In conclusion, may I have the distinct privilege and honour to extend an invitation to Your Excellency, the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, and humbly request your kind indulgence to attend the opening ceremony on Sunday the **27 August 2023** and graciously declare the **2023 AGC-NBA** open.
27. Your Excellency, let us get it right and we can, so help us God!!
28. Please accept on behalf of the entire Bar, Mr President, the assurances of my esteemed and sincere regards.

Yours faithfully,


Yakubu Chonoko Maikyan, OON, SAN
PRESIDENT