



NIGERIAN BAR ASSOCIATION

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14 February 2024

His Excellency, 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,

STATE OF THE NATION

1. As you already know, the Nigerian Bar Association (NBA), the umbrella body of all lawyers admitted to practice law in Nigeria, is committed to the promotion of the rule of law in Nigeria. And as the voice of the people, particularly, the less privileged in the society, we shall continue to stand in faith with our responsibility as socio-economic and political change agents in the society. As lawyers, we remain motivated and inspired by the statement made by the first Nigerian to be called to the English Bar, Sir Christopher Alexander Sapara Williams, who said that *“the legal practitioner lives for the direction of his people and the advancement of the cause of his country.”*
2. This letter is in partial pursuit of this noble call on the Nigerian lawyers, whom I am privileged by the grace of God Almighty, to represent as President. In addition, on Sunday, 27 August 2023, when your excellency graciously accepted to honour the Bar with your presence at our 2023 Annual General Conference, which you declared open after delivering the intellectually riveting and stimulating Address, Your Excellency requested of the Bar to be available to guide you as you undertake the task of leading this nation. You cited as the proof of your confidence in the legal profession, the retinue of legal minds you have carefully selected to work closely with Your Excellency. This letter, Your Excellency, is in partial performance of the duty we owe you and the people of Nigeria, under that pact that was sealed on 27 August 2023.
3. On this day, 14 February, which is set aside to express love, two scriptures come to mind: the first is 1 Timothy 2: 1 – 2, which instructs that prayers be made for all men; for kings, and for all that are in authority, and the second is Ephesians 4:15 where we are enjoined to speak the truth in love. This is what I shall do.
4. It is no longer news that Nigeria, across its length and breadth is bedevilled by challenges of insecurity in alarming proportions. From the ravaging activities of bandits, terrorists, to the scourge of kidnapping for ransom and other forms of criminal activities. Bloodshed have become a daily occurrence, and the news of these dastardly incidents pervade the airwaves and psyche of Nigerians, sending shock and fear to the populace. These criminal activities have left many Nigerians homeless, many families and businesses completely destroyed and these incidents, rather than abate are clearly on the rise. From the kidnap of pupils and their teachers in Ekiti to the continued onslaught on the people in the Northwestern states, the killings and massacre in Plateau, Benue, Kogi, Kwara, the destruction of electricity infrastructure in Bauchi; the murders in Anambra, Imo, Enugu and other parts of the country, not excepting the Federal Capital Territory – the seat of the government of the federation. There is literally no part of the country that is not enmeshed in one form of insecurity challenge or the other.

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5. What makes the entire situation even more disturbing is the increasing boldness of the perpetrators. Security personnel, who have the responsibility of securing the lives and properties of Nigerians, have apparently been unable to effectively stem the spread of the violent crimes across the country. What used to be at the fringes of the country (bad as it was) has now taken the centre-stage.
6. The entire country is under siege by terrorists, bandits, and criminal gangs. It is no longer easily determinable, if not impossible, which square kilometre of the Nigerian territory is under the authority or control of the Federal Government of Nigeria. A situation where criminality dots all over the space known as the Nigerian territory, in a manner that diminishes the presence of law enforcement agencies, directly challenges the sovereignty of Nigeria. This is particularly so when we hear that the said bandits and terrorists are foreign nationals. If the activities of foreign nationals have been responsible for this high level of insecurity in our nation when the country is not at war, these criminal elements go on to boldly record and send out videos on social media platforms boasting about their strongholds within the territory of the Nigerian state and suffer no consequence for so doing, then there is more to it than meets the eye, and Nigerians need to be better informed of the nature of the insecurity they are dealing with.
7. The unfortunate incident in Bodija Area, Ibadan, Oyo State, which left many dead and several properties destroyed with craters all over the area, from the explosion that rocked the city on 16 January 2024 is one that clearly speaks to a fundamental failure of Nigeria's security architecture and operational capabilities. That the perpetrator(s) of this heinous crime is said to be a Malian national is heartrending by itself and all we hear is that the culprit is yet to be apprehended. The question is, how did we get to the place of allowing anyone, whether a citizen or not to store explosives in any part of Nigeria, let alone a residential area with the capacity of wrecking such havoc on our people? There are law-abiding citizens who have worked their entire lives and from their meagre income, gratuity, and pension, built their retirement homes, only to become homeless overnight, due to the actions or inactions of some government official, who will allow explosives to be stored in such a location. Those involved must be identified and prosecuted for their actions, while those who suffered losses due to no fault of theirs, deserve to be compensated. This must be the case for all those who have suffered from one form of criminal activity or the other across the country.
8. Some Nigerians have lost, and many more are fast losing confidence in the ability of the Federal Government to deal with the security situation in Nigeria. At this time, when public confidence in the sincerity of government in dealing with insecurity is at its lowest ebb, I strongly recommend a government/people engagement, that will at the minimum, inform the people (to the extent that security protocol may allow) about what is being done to secure the nation. Alternatively, let there be clear indicators that, indeed, government is sincerely paying attention to the plight of the people and is committed to its constitutional responsibility of providing security for the lives and properties of Nigerians.
9. Unfortunately, however, government posturing appears to be far from this expectation. When for instance, in the face of these challenges and daily experiences of Nigerians, the National Assembly embarks on projects for their personal welfare, involving humongous amounts of money and the requests are indulged by the Executive, that is not a posture that will give Nigerians any hope. This is no different from when or where the judiciary and other members of the legal profession leave the citizens confused as to the state of the law from decisions rendered in disputes submitted for adjudication before our courts. It is a posture that continually erodes the confidence of the public in the justice system and that portends grave danger; when confidence is lost in the judiciary, there will be self-help and that naturally would result to chaos and anarchy will be inevitable.

10. 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 noted that:
“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.”
11. I dare say with all sense of responsibility that where the judiciary collapses, the nation will plunge into anarchy. The security and existence of any nation is intricately connected to the presence or absence of justice as may be dictated by the judiciary. The work or function of the judiciary is no less a security assignment than the work of the military, security, and other law enforcement agencies in protecting the territorial integrity of Nigeria and ensuring the observance of law and order in the society. The point being made here is that the security of this nation is the business of all the arms of government, and each must, in the discharge of its constitutional functions, command the confidence of the public. Otherwise, the work, no matter how well-done, will not make any meaning to the public and there will be a revolt.
12. 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 of the Judiciary is an issue that must be dealt with decisively by all, not only members of the legal profession or left to the judiciary alone. I have since made the call on the judiciary 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. This standard is no more for the judiciary than it is for both the executive and the legislature. The primary responsibility of all the arms of government is to deliver justice to the governed.
13. Executive, legislative, and Judicial officers must take their oaths of office and codes of conduct seriously; they must avoid actions and omissions that will give the appearance of compromise. Like Caesar’s wife, judicial officers, so also executive and legislative officials, must be above suspicion – they must live above reproach. We have strongly advocated that proven cases of judicial misconduct must be dealt with decisively. So also, for erring officials of the executive and legislative arms of government. I am aware that petitions have been written to the National Judicial Council, alleging one form of misconduct or the other against some judicial officers, particularly in election related matters. We have called for thorough investigation of the petitions, that any official found to have compromised his oath of office must not be allowed to continue to serve on the Bench and should be made to face the wrath of the law. This is the way to begin building back confidence in the judiciary. Similarly, to build back confidence in the executive and legislative arms of government, there must be clear demonstration of sincerity and purposefulness in the process of governance and erring officials must at all times be brought to book.
14. 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. Spurious and sweeping allegations of compromise against the judiciary is no less damaging than the compromise by any judicial officer; neither is good for the survival of the country and must be exterminated. I have said all these to say that for the effective working of the Executive and the legislature, the Judiciary must be protected and respected. The task of dealing with the challenges in the judiciary cannot be the sole business of the judiciary. The executive and legislature must support the judiciary and in doing so must not be seen to compromise that institution in any way. Part of this support would be to seriously consider constitutional amendments that will ensure the reform of the judiciary and other institutions in the justice sector, in order to bring it to a place of optimal performance in the dispensation of justice. This will herald, in a fundamental way, the restoration of peace and security in Nigeria.

15. I will be remiss not to acknowledge your excellency, for the quick and remarkable progress made in the area of the welfare of judicial officers. For the first time since 2007, the upward review of the salaries and allowances of judicial officers is being favourably considered by this administration. And this includes some radical improvements in the statutory handling of these matters in a way to continually guarantee the independence of the judiciary. The provision of the sum of **N341, 625, 739, 236.00** for the Judiciary in the 2024 Appropriation Act is a testament to Your Excellency's commitment to the welfare of judicial officers and the independence of the Judiciary. This budgetary provision is first of its kind in the history of this nation and is certainly not unconnected with your disposition towards the judiciary and the choice of a Minister of Budget and Economic Planning, Senator Abubakar Atiku Bagudu, CON, who must have brought to bear his understanding of the importance of a stable justice sector for an effective economic growth in any economy. The Bar is grateful for your responsiveness to our demands on behalf of the judiciary and the legal profession as a whole. To complete this task in this preliminary stage of your administration's resolve in reforming the justice sector, we request that the 11 (eleven) Justices appointed to the Supreme Court and confirmed by the Senate, be sworn-in to enable them assume their constitutional responsibilities at the nation's apex court.
16. I must also commend the efforts of the Attorney General of the Federation, Prince Lateef O. Fagbemi, SAN, who has been so relentless in ensuring that this upward review is achieved speedily. We also recognise the reception extended to the NBA by the leadership of the National Assembly when we took our advocacy for the upward review of judicial salaries and allowances to the parliament. I particularly note the uncommon welcome by the Senate President, Senator Godswill Akpabio and the sagacious intervention of the Deputy Speaker, Rt Hon. Benjamin Kalu, who are both members of the Nigerian Bar.
17. In Your Excellency's Inaugural Address on 29 May 2023, you clearly assured Nigerians that security shall be top priority of your administration. In the words of the President:

“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.”

18. All forms of criminal activities 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. Those entrusted with the responsibility to drive and implement government policies appear to be content with the false sense of security created by the high walls around them and the few arms-bearing security personnel who keep vigil over them. We must reverse the trend. When the President inducted two T129 Attack Combat Helicopters and one King Air Beechcraft 360ER mobility aircraft for use by the Nigerian Air Force, the president promised to ***“continue to support NAF and indeed, the Armed Forces of Nigeria towards combating terrorism, oil theft and other criminal activities.”*** The president was reported to have said “substantial progress had been achieved in the ongoing counterterrorism efforts but noted that there should be no cause for celebration yet until the security challenges were fully addressed” and “called for a change in mindset, strategy and tactics in addressing the menace”.
19. In the same manner that the President called “for a change in mindset, strategy and tactics in addressing the menace” of insecurity, which we wholeheartedly support, we equally call on government to have a change of mindset, strategy, and tactics in not only making necessary investments in security, but also in the way our military strength/capabilities are displayed to the public.
20. Firstly, it was not advisable, security-wise, to make a public display of the combat helicopters. To also list the helicopters and provide their specifications was equally not tactful. To announce that NAF would induct 46 new aircrafts of various types over the next 18 months and that the Air Force has 170 pilots and 533 technicians who were undergoing training locally and internationally, was simply to offer our enemies information about our capabilities.
21. Part of the reports on social media, stated that “Experts at the event said that the T129 ATAK is a twin-engine, tandem-seat, multi-role, all-weather attack helicopter based on the Agusta A129 Mangusta platform, developed by Turkish Aerospace Industries in partnership with Leonardo SPA. The helicopter, it is understood, is designed for armed reconnaissance and attack missions in hot and high environments and rough geography in both day and night conditions. Highlights of the event were the signing of the handing over documents and aerial display by the T129 Attack Combat Helicopter.”
22. All that this ceremony has achieved was to tell the bandits, terrorists, and other criminal elements to prepare against this new military hardware, even before they are deployed operationally. And without being a military or security expert, I can state categorically that this is a huge security lapse. This is in addition to the fact that the acquisitions made are not impressive compared to what the military is dealing with and the operational area it has to cover. Our readiness and sincerity in the fight against insecurity in Nigeria can only be demonstrated by the level of investment in the security sector. My recommendation, therefore, is for this government led by Mr President, to have the right mindset, strategy, and tactics, in dealing with the menace of insecurity and doing so will see government invest heavily in the sector, both in terms of equipment and manpower.
23. 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 enrich themselves or 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. Anyone who by his acts or omissions, contributed to the government's loss of control over any part of our territory, should be tried for treason.

24. I call on Mr President to show demonstrable commitment to prioritize the security of the lives and properties of Nigerians as already committed by you. 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 accordingly. 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.
25. What Nigerians require is a well thought-out, informed, all-inclusive and purposeful intervention, with as much necessary 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!
26. 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. The living quarters of military and security personnel across the country are simply an eyesore. It is an aberration and a clear misplacement of priority; an act of insensitivity, that those who have accepted to give their lives in defence of the nation, and the protection of lives and properties of Nigerians, are left to live in penury and squalor in the face of the misuse and abuse of the provisions made for their welfare. This is no less an act of treason and those found to have misconducted themselves in this regard should be treated as treasonable felons. One of the reasons service men and women misconduct themselves while in service is the poor condition of service and neglect or even abandonment after 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 security if we are to make any meaningful progress in this regard. As rightly noted by Mr President, neither prosperity nor justice can prevail amidst insecurity and violence.
27. I must not fail to add that this is not time to say, "God forbid". It is for us to forbid it by using our God-given abilities to take the right steps and posture to decisively address these issues. It is time for government to declare a state of emergency in the area of security and I urge you, Mr President, to waste no time and spare no effort in this regard.
28. All the matters mentioned above, impact and have negatively impacted on the Nigerian economy in diverse ways. The Nigerian Economy is dwindling; value of Naira has been bastardized, prices of foodstuff have skyrocketed, everything negative seems to be on the rise. The insecurity has equally impacted negatively on food sufficiency and food security as a nation. Those who rely on farming as their sole means of livelihood have been thrown into abject poverty, because they no longer can go to their farms. While this administration may argue that it is only 7 months into

office and is not the cause of present-day experience, the fact remains that it is this government that has the responsibility of stemming the negative tide.

29. As a government that prides itself with the credentials of Mr President, who revolutionized and transformed the economic fortunes of Lagos State (which are not in doubt), and the other egg-heads who have excelled as economic experts, it would be disappointing and embarrassingly so, if this administration, though not being the cause, did not anticipate this situation as a fallout of the previous administrations and made provisions for how to exit this economic quagmire. Nigerians need to know, as we all are entitled to, in concrete terms, the plans this administration have for the revamping of our economy. It is the government/citizens engagement on the strategies for the recovery, reformation and repositioning of the economy and all other sectors, that will give Nigerians hope to continue to persevere and remain resilient as we have always been. Not to do so, will cause a complete loss of confidence in the ability of this administration to truly deliver on the renewed hope agenda, and would be recorded as a monumental failure on the part of government. Government must therefore, as a matter of urgency declare a state of emergency on Nigeria's state of the economy and announce deadlines for specific fundamental economic steps to be taken towards economic recovery. This will enable all stakeholders to assess the performance of government with regards to promises it has made and becomes a basis to hold government accountable to the people.
30. Mr President, on 13 February 2024, we woke up to a very embarrassing news to the NBA, and I believe to many well-meaning Nigerians, that the Minister of Industry, Trade, and Investment signed the Enhanced Trade Investment Partnership (ETIP) Agreement, between the governments of Nigeria and the United Kingdom. It was reported that the agreement seeks to enable cooperation between the two countries in areas such as financial and legal services. bewildering, however, is the stated provision that will allow lawyers from the United Kingdom to practice in Nigeria. Understandably, this news has generated tremendous disquiet within and outside the legal profession in Nigeria.
31. The Minister was reported to have expressed delight over what she described as a **“ground-breaking agreement”** that will translate to ‘more money’ for Nigeria. The NBA finds this statement credited to the Honourable Minister ridiculous, unpatriotic, and uninformed. It is indeed unfortunate that this tragic reminder of our colonial past, is being gleefully celebrated at the highest level of the Government of Nigeria. What is more disheartening is the fact that a decision of this magnitude that adversely affects the wellbeing and livelihood of millions of Nigerians, could be taken without any consultation, especially with the Nigerian Bar Association (NBA).
32. I have since assuming office as President of the NBA clearly opposed any agreement that will compromise our legal space. At all the meetings I had with officials of the Law Society of England & Wales and the Bar Council of England & Wales, I never failed to note our opposition to a bilateral agreement between the Government of Nigeria and that of the United Kingdom on legal services. In the workshop I attended on 5 October 2023, convened by the UK-Nigeria Working Group on Trade Policy, with officials of Federal Ministry of Industry, Trade, and Investment in attendance, at the Foreign, Commonwealth and Development Office (FCDO), King Charles Street, London, I made the point in unmistakable terms, that the NBA does not support any bilateral agreement with the UK on legal services. I emphasised that we are not yet at a place for such agreement, and that even if we are to enjoy reciprocity with the UK (which is not an acceptable position), knowledge and skills gap, on a relative basis, is so wide that we cannot favourably compete with the lawyers from the UK. I made it clear that while there can be an agreement or discussion on other trade matters, legal services was not on the table. Nigeria has over 140, 000 lawyers called to the Nigerian Bar, over 70% of whom are young lawyers. Only yesterday, the Council of Legal Education approved the results of the last Bar Final Exams,

with over 4000 lawyers due to be admitted to the Bar in March 2024. Faced with general unemployment, due to our struggling economy, one would expect, for now, government policies and actions will focus on protecting the markets available to Nigerian professionals.

33. We know for certain that the British Government will not undermine its own body of legal professionals in such spectacular fashion as this administration has done to the NBA in the matter of this agreement. It is truly tragic that while the government of the UK is seeking opportunities for its own lawyers beyond its constrained environment, the government of Nigeria is attempting to deprive Nigerian lawyers and their millions of dependants of means of livelihood. To embark on such a venture without recourse to the NBA is the height of insensitivity to the plight of the legal profession in Nigeria, and this is totally unacceptable.
34. This is the same situation as with the African Continental Free Trade Agreement (ACFTA). While we must accept the reality of globalisation and open our borders for transnational trade and exchange of services, this must be done strategically, purposefully, without and endangering the already exposed and weakened Nigerian market. We therefore request for a wholistic review of all the agreements under the ETIP and the AfCFTA, particularly in view of the developments in the ECOWAS sub-region.
35. The NBA under my leadership will continue to partner with your administration with the view to provide direction and to advance the cause of our dear country, for the overall benefit of the good people of the Federal Republic of Nigeria, so Help me God.
36. 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