



NIGERIAN BAR ASSOCIATION

NATIONAL SECRETARIAT: Plot 1102, Muhammed Buhari Way, Cadastral Zone A00, Central Business District, Abuja Nigerian Tel: +234 800 333 1111

STATEMENT BY THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION (NBA), MR YAKUBU CHONOKO MAIKYAU, OON, SAN, ON THE SIGNING INTO LAW OF JUDICIAL OFFICE HOLDERS (SALARIES AND ALLOWANCES, ETC) ACT, 2024

21 August 2024

On assumption of office as President of the Nigerian Bar Association (NBA), I specifically committed to, amongst other things, uphold the rule of law, defend and protect the integrity and independence of the Judiciary. I made this commitment knowing that the survival of our nation rested and still rests squarely on the shoulders of the Judiciary. The need for high public confidence and respect for the judiciary remains a *sine qua non* for our peaceful co-existence; it is necessary to engender economic growth, development and the prosperity for our people. This very important element of our stability cannot be overemphasized.

In my Inaugural Address on 26 August 2022, I made a commitment, *inter alia*, that:

“My administration will not only continue with the actions which seek essentially to protect the dignity of the judiciary for proper discharge of its constitutional functions and duties, we will seek engagement with government and other stakeholders in ensuring that immediate measures are taken to guarantee proper remuneration for Judges and Justices in service and for their comfort upon retirement.”

By the grace of God Almighty, and without any intention of sounding immodest, we successfully undertook this task which culminated into the enactment of the **Judicial Office Holders (Salaries and Allowances, Etc) Act, 2024**, which was a product of constructive engagement with all the arms of Government.

We, therefore, congratulate the Nigerian Judiciary and the entire legal profession, on the coming into effect of the Judicial Office Holders (Salaries and Allowances, Etc) Act, 2024, by the assent of President Asiwaju Bola Ahmed Tinubu, GCFR, on 9 August 2024. This is a historic and truly remarkable achievement, seeing as previous successive administrations have repeatedly neglected the Judiciary. The last time the salaries and allowances of Judicial officers were reviewed was in the year 2007. It is also a landmark achievement for the tenure of Honourable Justice Olukayode Ariwoola, GCON, as Chief Justice of Nigeria, who shall exit office on 22 August 2024. To the Glory of God Almighty, I, too, have the privilege of sharing in this, as I exit office as the 31st President of the Nigerian Bar Association, seven days later, on 29 August 2024.

We must appreciate the leadership of the 10th National Assembly for their cooperation in expediting action on the Bill. The support and contribution by the Honourable Attorney General of the Federation, Prince Lateef O. Fagbemi, SAN, in getting the Bill passed into Law is invaluable. The Legal Profession is blessed to have an HAGF in Prince Fagbemi, SAN, who has demonstrated genuine passion for the reform of the justice sector and the improvement of the independence and welfare of judicial office holders, for the good of the people. This passion found alignment with the willingness of President Tinubu, GCFR, leading to his assent to the Bill passed by the National Assembly.

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The NBA Advocacy for the review of salaries and allowances of Judicial Officers and other Justice sector reform initiatives of the NBA, was driven by Mr Olawale Fapohunda, SAN, former Attorney General Ekiti State and Chairman, NBA Law Reform Committee. He literally had everyone (including myself), who had anything to do with this subject on their toes – from the Senate, House of Representatives, the National Judicial Council, particularly, the Executive Secretary, Mr Gambo Saleh, who we “harassed” on this matter. My Personal Executive Secretary, Chinaecherem Nwaubani, almost took a leave of absence, due to Mr Fapohunda’s call for work on this review. She was, as with other assignments she handled in my office, simply amazing. We appreciate their commitment and selfless service to the Bar. Honourable Justice Bode Rhodes Vivour, CFR, JSC (Rtd); Hon. Justice Monica Dongbam-Mensem, President of the Court of Appeal; Hon. Justice A. D. Yahaya JCA (Rtd); Hon Justice B. B. Kanyip, PhD, President of the National Industrial Court of Nigeria; and Hon Justice Kashim Zannah, Chief Judge of Borno State, have been of tremendous guidance and support in the course of this exercise. They provided perspectives from the judiciary which helped in our overall understanding of the history/antecedents of judicial remuneration, and that greatly helped in developing the strategy for our advocacy. We acknowledge and appreciate their immense support for our advocacy.

We must equally place on record the cooperation we received from Mallam Mohammed Bello, the Executive Chairman of Revenue Mobilization Allocation and Fiscal Commission, (RMAFC), who during our meeting at his office, exhibited great understanding of the working condition of Judicial Officers and expressed sympathy for their plight, given the meagre salary and allowance they have been subjected to for decades. We appreciate the support from RMAFC – the Commissioners and staff, for the work they did in this regard. I will be remiss if I do not mention and appreciate our young and hard-working Consultant, Mr Adebayo Julius Adeolu, a Chartered Accountant who spent several hours with us to put together what eventually, to a large extent, translated into the Schedule to the Act.

While I applaud the Legislature and the Executive in enacting this historic piece of Legislation, I, yet call on the National and State Houses of Assembly, to seriously consider the inclusion of Magistrates within the definition of Judicial Officers in the Constitution, in the process of the ongoing Constitutional review. The Magistrates across the Country are responsible for the handling of most criminal matters at the lower level of the society, and the institution of the magistracy across the states need to be strengthened and better funded, to help improve grassroot justice delivery and curb the menace of criminal activities in our society.

Also, other Judiciary staff; Registrars, Legal Assistants and other court workers, must similarly be catered for, if the improvement of the welfare of Justices and Judges is to make any meaningful impact on the overall justice delivery process in the courts. So, the advocacy continues, but for now, we appreciate the achievements thus far as we brace up to do more work so as to attain a holistic improvement of the welfare of all court workers.

In our continuous advocacy for the reform of the Justice Sector, for the first time in the history of the NBA, we witnessed the holding of a Justice Sector Summit in April 2024, co-hosted by the office of the Attorney General of the Federation, the National Judicial Council and the Nigerian Bar Association. The summit had in attendance all the stakeholders in the Justice Sector, who fully participated in the discussions and deliberations at the summit. At the end, recommendations were made for the reform of the Justice Sector, as contained in the communique issued and co-signed by the Chief Justice of Nigeria, Honourable Attorney General of the Federation (HAGF) and my humble self as President of the NBA. The Communique has since been made public and has been submitted to the Constitution Review Committees of both the Senate and the House of

Representatives, for consideration in the ongoing constitution review exercise. I recognize and acknowledge the work of the NBA Judiciary Committee led by Dr Babatunde Ajibade, SAN, who worked tirelessly with the Office of the HAGE, coordinated by our amiable, hardworking and focused Solicitor General and Permanent Secretary, Federal Ministry of Justice, Beatrice Jeddy-Agba, OON, mni, in putting together a world class Justice Sector Summit.

The review of judicial remuneration is by no means the end of our advocacy for judicial reform. I dare say that this is only the beginning. Going forward, the focus of the NBA will be on identifying and responding to issues that are fundamental to the continued strengthening of the judiciary. These include matters of appointment, discipline and elevation of judicial officers. The need to strengthen judicial oversight bodies is no less important. I am confident that these are issues my successor in office will prioritize. All these are a major part of the recommendations from the Justice Sector Reform Summit, and I call on stakeholders to put all hands on deck to ensure the implementation of the said recommendations.

On a final note, I call on the Judiciary to justify the improvement in their remuneration. There must be a deliberate and conscious effort to work back into the hearts of Nigerians and revive public confidence in the Judiciary. On this point, I adopt the statement by Bolitha J. Laws, the former Chief Judge of the United States District of Columbia, in her address to the Bar Association of St Louise, where she noted that:

“There should be two cardinal objectives of courts in a democracy. One is obvious: courts must accomplish justice. The second, often neglected, is: courts must convince those whom they serve that justice is being accomplished.”

With the assumption of office by My Lord, Honourable Justice Kudirat Motonmori Olatokunbo Kekere-Ekun, JSC, CFR, as the Chief Justice of Nigeria (CJN), the task ahead is no doubt daunting, but I believe that God Almighty brought My Lord to steer the affairs of the Judiciary, for a time as this. I have no doubt in the ability of My Lord, Hon. Justice Kekere-Ekun, the incoming Chief Justice of Nigeria to deliver on the Constitutional, moral, ethical and professional demands of the office, and my prayer is for God Almighty to equip His Lordship, with the grace, strength and courage to succeed on this assignment.

I thank you all for your attention.

Long live the Judiciary!

Long live the Nigerian Bar Association!!

Long live the Federal Republic of Nigeria!!!

Best regards.


Yakubu Chonoko Maikyuu, OON, SAN
PRESIDENT