



NIGERIAN BAR ASSOCIATION

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ADDRESS BY THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION, MR YAKUBU CHONOKO MAIKYAU, SAN, AT THE ANNUAL LEGAL YEAR CEREMONY OF THE COURT OF APPEAL, HELD ON 12 SEPTEMBER 2022

PROTOCOL

1. It is with great delight that I stand before this distinguished audience to mark the 2022 opening of the legal year ceremony of this honourable Court. Last year, I had the privilege of being invited as counsel to the maiden edition of this ceremony which held on 13th September 2021. Coincidentally, Mr. Olumide Akpata, the immediate past President of the NBA, had also requested me to represent him at that occasion and I recall that when I took on the task to read Mr. Akpata's address, I held forth as though I was the President of the NBA. I had to warn myself that I was not the President and my delegated assignment ended with the delivery of the President's address. That I had to get the clearance of Mr. Akpata to make his speech available to the press, was even so much of a reminder that it was really not my call.
2. So, I had the singular honour of attending that maiden 2021 legal year ceremony, acting as the President of Nigerian Bar Association. Today, by sheer providence, the invitation for the 2022 legal year ceremony of this Court was extended to me, as the President of the Nigerian Bar Association and it is in this capacity that I accepted the invitation and stand before My Lords as the 31st President of the NBA. This is humbling for me to say the least and I am grateful to God Almighty for the privilege.
3. I thank my Lord, the Honourable, the President of the Court of Appeal, Hon. Justice M. B. Dongban-Mensem for this invitation to the Bar. Let me state that the Bar under my leadership will continue to maintain a robust Bench and Bar relationship from the understanding that we are both agents of the same principal – Justice – performing different functions towards satisfying the demands of Justice.
4. The legal year celebration has its root in the English common law tradition from where we inherited our legal system. It is a ceremony that recognises the eminent role of Judges/Justices in the dispensation of Justice, an attribute of God. The ceremony, amongst other things, is a moment where Judges/Justices seek divine help to perform as mortals, that which is the

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exclusive preserve of the Almighty. As we welcome Your Lordships from your well-deserved vacation, we pray that the Lord God Almighty will continue to guide the court and grant Your Lordships wisdom to discharge your constitutional responsibilities without fear or favour.

5. Our nation is plagued by several challenges; insecurity, economic crises, political instability and corruption. These are clear manifestations of the absence of justice in the society. The legal profession (the Bench and Bar) has been rendered incapable of dispensing what is otherwise its primary responsibility to the people: **the promotion of the rule of law to serve the cause of justice**. Several actions of government undermine the work of the judiciary in this regard.
6. In the past week, I led the members of the National Executive Committee of the NBA on a four-day retreat, where we had several resource persons come to speak to us on the workings of the NBA and the expectations of members of the legal profession (Bar and Bench) and the general public, who are the ultimate recipients of the service we provide. On the subject of the legal profession in the Eyes of the Public, we had a non-member of the profession speak to us. He described 'Justice' as a state of affairs which must exist in a society to rid it of all the challenges the citizens face as a people. He identified the legal profession comprising the Bench and the Bar, as the profession that exists primarily to ensure that justice is served in the society. To underscore the importance of justice, he quoted Shehu Usman Bin Fodio, the founder of the 18th century Sokoto Caliphate, who had stated that: ***“a people can exist without religion, but they cannot exist without justice”***
7. My Lords, our resource person also noted that justice:

“...is the settlement of differences and conflicts between individuals, societies, people and nations such that everyone leaves the table with a fulfilled sense of justice, equity and fairness, according to the laws of the land as enshrined in the constitution and other subsidiary legislations”
8. It is therefore not surprising that now more than ever, the people of Nigeria look up to the legal profession (Bench and Bar) for the recovery, reformation and repositioning of this nation which, they understand, can only happen through a deliberate pursuit of justice and must be led by the legal profession.
9. In this regard, the existence of a strong and independent judiciary is critical in the attainment of that state of affairs where justice will not only be present

but also be seen to be present. In the Address by the President of the Court of Appeal during the maiden edition of the Legal Year Ceremony of this Court on 13th September, 2021, My Lord lamented the poor working condition of the court and welfare of Justices. The salaries and allowances of judges and justices in this country have remained the same since 2008! I am aware that from 13th September, 2021 till date, this situation has not changed. The only development in that regard is the decision of the court in the suit instituted by Chief Sebastian Hon, SAN, against the National Assembly and others, which sought the upward review of the salaries and allowances of Judges and Justices. The suit was determined on the 15th July 2022.

10. In my Inaugural Address, I observed that ***“that an action had to be filed in court to compel government to look into and improve the welfare of Judges and Justices, is all the reason why it will be safe to infer that there is a deliberate ploy to emasculate and pauperise the courts and by so doing strangulate the course of justice in this nation.” I concluded by saying that “it would have been laughable if it were not pathetic, that a nation which truly desires to develop or recover itself from the brink of failure, particularly in the face of our present day realities, will allow for such a matter of this nature to be ventilated in Court”***

11. That 14 Justices of the Supreme Court had to write that revealing letter to the immediate past Chief Justice of Nigeria, is indicative of the sorry state to which the judiciary has fallen in this nation. Yet, not even that embarrassing revelation of the state of affairs in the apex Court in that letter got the Executive and Legislature to consider emergency measures to address the situation. Instead, what we see is the upward review of the allowances of Ministers, Permanent Secretaries and top civil servants. The legislators in Nigeria have never had to complain of poor remunerations and/or allowances. On the other hand, the Report of the Committee on the review of Judicial Salaries and Conditions of Service, submitted to the Honourable Attorney General of the Federation since June, 2018, has yielded no positive result. Needless to say that the figures proposed in the 2018 Report will no longer be relevant in addressing the current economic realities confronted by Judges and Justices.

12. Notwithstanding the current state of things, the Supreme Court in Appeal No. SC/655/2020, in a rare but unsurprising display of strength of character, declared unconstitutional, null and void and of no effect whatsoever, Executive Order 10, which was seemingly meant to help uplift the welfare of Judges and Justices. The apex court held that ***“the President overstepped***

the limits of his powers” and that “the country is run on the basis of the rule of law”.

13. I find it quite worrisome to note that none of the presidential candidates for the upcoming 2023 election, who attended the Opening Ceremony of the just concluded NBA-AGC on the 21st August, 2022 spared any thought on the independence of the judiciary.
14. My Lords, as one privileged to lead the Nigerian Bar Association at this time, let me say that one demonstrable way by which the Government will show sincerity in the bid to recover and develop this nation, is to deliberately invest in the welfare of Judges and Justices by strengthening the human capital within the justice sector and meeting all the infrastructural needs of the judiciary. This is my call on the Federal Government and it should be addressed as a matter of urgency. I also call on the Federal Government to revisit the 2018 Report of the Committee on the Review of Judicial Salaries and Conditions of Service, to bring same in tune with our present day realities and give effect to the final recommendations that will arise therefrom.
15. At the Justice Sector Summit 2022, organised by the NBA and Justice Research Institute, in collaboration with National Judicial Council (NJC); the Konrad Adenauer Foundation, the United Nations Office on Drugs and Crime and the Justice Reform Project, recommendations were made for the reform of the judiciary. I commend those recommendations to my Lord, the President who is also a member of the National Judicial Council.
16. I must acknowledge, My Lords, the President and Justices of this Court, for the efforts they have been making in deploying technology to aid the dispensation of justice. This Court during the COVID-19 Pandemic lockdown did its best to keep the doors of the court open to citizens by resorting to remote hearing of cases. The court has continued to hold online proceedings ever since, whenever the occasion calls for it. I commend My Lords for this, while urging that these efforts be sustained. Times have changed and any organism or entity that will abide must change with the times. A watering can and irrigation equipment may both be farm implements, but they definitely do not have the same level of effectiveness. I therefore implore that we remain responsive and dynamic to be more efficient in our service delivery to the society.
17. I congratulate My Lord the President of the Court of Appeal on the new Rules of this Court which was unveiled on 7 December, 2021. I am privileged to serve on the Rules Committee of the Court formerly under the

chairmanship of My Lord, Hon. Justice A. G. Msheila, JCA (Retired) and now under the chairmanship of Hon Justice I. I. Agube, JCA.

18. I will take my seat in a short while, but I must take a moment to invite you all to pay our last respects to the late Paeke Dongban. My Lord, the entire Bar mourned with you when we received the shocking news of his passing. We take comfort in the knowledge that he was a forthright young man who loved the Lord, and was a committed son, brother, husband and father. May God continue to comfort and strengthen you all and may his gentle soul find eternal rest in the bosom of our Lord.

19. Finally, on behalf of the Nigerian Bar Association, I once more welcome My Lord, the President of the Court of Appeal and the Justices of the Court of Appeal back from vacation. As your Lordships prepare to face the assignments and challenges of the new legal year, particularly with the forthcoming general elections and the anticipated petitions, we wish you God's strength, guidance and the ability to uphold the ideals of justice. I wish My Lords a fruitful and productive legal year ahead.

20. I thank you all for listening.

Yakubu Chonoko Maikyau, SAN
President, Nigerian Bar Association

