



# NIGERIAN BAR ASSOCIATION

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## DEMOCRACY DAY MESSAGE BY THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION, MR YAKUBU CHONOKO MAIKYAU, OON, SAN

12 June 2024

### Introduction

1. As we celebrate this Democracy Day, and by the grace of God several more to come, we must not lose sight of the fact that our democracy was achieved at great cost; the pains of the struggles, the incarcerations, the exiles and the blood of several Nigerians that were shed to bring us to the place of this celebration. It is the consciousness of these facts or events, that will help us appreciate the value of decision to move the commemoration of our democracy from 29 May, which was military-given and, at best, a military handover date, to 12 June, which carries or bears the true spirit and essence of this celebration. This is not in any way intended to undermine or take away from the efforts of the military in midwifing the return to democracy from military rule. It simply underscores the fact that those of us alive today to celebrate our democracy, do so on the back of the sufferings and sacrifices of many who have preceded us and many others who are alive, and are direct partakers of the fruits of these sacrifices. It is thus a privilege to be where we are today which should not be taken for granted.
2. I must not fail to state that, this is not only about the sacrifices that went ahead of the date from which this anniversary is reckoned with, but also the sustained commitments of many Nigerians, the bloodshed, hunger, pains and suffering that Nigerians still endure till date. It is about the sustained commitment of Nigerians from all walks of life to the establishment of a sustainable democracy. All these must not be lost on us as we celebrate our democracy. This is a moment of deep introspection by both the leadership and followership in Nigeria as we together, irrespective of our experiences, recalibrate and press forward towards building a country that will resume its pride of place in the comity of nations.
3. I, therefore, on this Democracy Day, congratulate His Excellency, Asiwaju Bola Ahmed Tinubu GCFR, President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, and salute the good people of Nigeria for our collective show of courage, sacrifices and resilience against all odds.

### On the Rule of Law

4. The whole struggles that have come to be symbolized by June 12, can simply be described as the battle for the enthronement of the Rule of Law over dictatorship. This was why (knowing that President Tinubu was also a foremost figure in that struggle) when in his 12 June 2023 address he observed ***“that the unnecessary illegal orders used to truncate or abridge democracy will no longer be tolerated”***, I wasted no time vide my letter of the same date in reminding Mr President that ***“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.”*** This was necessary because no one should understand

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Adesina Adegbite, FICMC, General Secretary; Linda R. Bala (Mrs), 1st Vice President; Chukwuemeka Clement Ugo, 2nd Vice President; Amanda Ego Demechi-Asagba, 3rd Vice President; Caroline Ladidi Anze-Bishop, Treasurer; Chinyere Gladys Obasi, Welfare Secretary; Akorede Habeeb Lawal, Publicity Secretary;

Daniel K. Kip, Assistant Secretary; Charles Ajiboye, FICMC, FCAI, ACIS Assistant Publicity Secretary

and appreciate the importance of the rule of law in the sustenance of any democracy and the development of a nation better than President Tinubu.

5. In this regard I must commend the President for showing respect for the rule of law in his dealings since assumption of office as President and Commander-in-Chief. It will be recalled that my letter to the President mentioned above was in June 2023. Notwithstanding, the President accepted to attend and declare open the 2023 Annual General Conference of the NBA, where in his speech, the President reassured the Bar of his commitment to the rule of law, and submitted himself to correction whenever he errs as President. He also called on members of the Bar not to shy away from their responsibility in this regard, noting that this is the reason he chose to surround himself with lawyers both as aides and as members of the Federal Executive Council.
6. The NBA shall continue to hold Government accountable to the Rule of Law in its dealings with the people of this country. Likewise, it is the corresponding responsibility of citizens to subject themselves to the rule of law; we must always act responsibly and avoid self help in pursuing perceived rights or addressing grievances against any person or authority. This is the only way we can guarantee growth and development under an atmosphere of peace and orderliness.

#### On the Economy

7. There is no gainsaying that Nigerians are passing through hardship on account of the mismanagement of our resources by successive administrations in this Country. Notwithstanding, it is the responsibility of this Government led by President to proffer solutions to our challenges. After all, government is a continuum and one of the governance and political credit which accrued to the President from his days as Governor of Lagos State, is his ability to assemble men and women with the intellectual sagacity and experience, to address challenges and turn around fortunes for the benefit of the people. This was done in Lagos State and there is considerable high expectation that, it will be replicated across Nigeria. While, as many have said, and I do not have a basis to disagree that, it may be too early to fairly assess the performance of this government given the state of the nation at the time this it took over, it is doubtful that some of the appointees of Mr President have keyed into, or do understand the vision of this administration founded on the renewed hope agenda.
8. There is need for more energy, focus and purposefulness to be injected in certain areas of this administration; to compliment the work and efforts from other quarters to achieve a holistic delivery of the benefits this administration intends for Nigerians. There is need for Government to self-evaluate and be bold about taking decisions in favour of productivity in governance for the benefit of the people.
9. It is on record that tough, bold and apparently unavoidable decisions have been taken by this administration, with the attendant consequences on the living standard of many Nigerians. It is important that more interventions are made to assuage the sufferings of the people, and this will greatly help in managing the expectations of Nigerians and assure the citizenry current hardship is only temporary. Government actions must elicit the confidence that, sooner than later, the sufferings will cease, as that is the only way to make the sacrifices worth the while. Nigerians should be able to see light at the end of the tunnel, and I am confident that with the right deployment of resources (human and material), under a purposeful supervision, this is achievable. I will conclude on this by reminding Mr President that exactly a year ago, he assured Nigerians 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.” Nigerians are waiting and the expectations are high!*

#### On National Security

10. Given the ugly experiences faced by Nigerians on a daily basis; killings, kidnappings and all sorts of criminal activities, not excluding the casualties suffered by the Military, the Police and other law enforcement agencies, across the country, the content of my letter to the Mr President on 14 February 2024 remains as relevant today as it was in February. This is what I said on security:

*“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.”*

*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.”*

*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.*

*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.*

*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.”*

*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.*

*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.*

*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.*

*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!*

*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.*

*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.*

*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.*

*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."***

11. I most respectfully call the attention of Mr President to the statement I made in February and demand, on behalf of the people of Nigeria, an urgent and decisive action on security. While I do not have any explanation for why the efforts of the military and other law enforcement agencies are not yielding the desired results despite the enormous resources committed by this administration thus far (save for the suggestions I made for possible areas to watch out in my letter of 14 February 2024 under reference), experiencing the same result over time may be suggestive of either that, the military is overwhelmed, or it has simply been adopting the same approach to the fight against insecurity. It is high time therefore that, the military and other security agencies re-evaluated their strategy and be more innovative in their approach.
12. Another factor which I believe has negatively impacted on the capacity or ability of the military to sustain its victory in the fight against insecurity, is the incessant retirement of seasoned, experienced, and well-trained military officers at their prime, for no justifiable reasons (at least in my humble view). When senior military and police officers – commanders, are relieved of their commissions with every change in administration, or for some flimsy reasons such as “age on rank” and some other excuses which have nothing to do with the ability of the officers to discharge his operational duties, it causes huge setbacks in the fight against insecurity; we lose these officers both as military personnel and as officers and men who have had considerable experience in the peculiarities of the security challenges we have been dealing with. When such officers are retired and new deployments are made, the entire fight by the military, police, and other security agencies, from a strategy and operational standpoint, starts from the scratch. This has in no small measure affected the successes recorded in the fight the insurgency and terrorism in Nigeria. The same goes for the leaderships of other security agencies. After investing so much as a country to train these officers, and just when we should begin to reap the benefit of the investments, we let them off while the country continues to suffer, as hardly can any progress be made in the spaces they once occupied. It is wasteful to find or see Generals going on retirement in their early or mid-fifties. These are assets that should be cherished and put to use, particularly when in the last two decades or more, Nigeria has been at war.
13. While I concede that some of the retirements are a function of the provisions of our extant laws and rules, it is an aberration for us to continue to allow the laws we made deprive us of our valuable human resources. Laws are made to serve our purpose and if these laws that prescribe retirement either on ground of age or length of service are no longer beneficial, then it behoves the legislature to examine these laws, review them, harmonise and bring them to up to the standards that will address our current realities. If judicial officers can serve for over 40 years and retire at 70 years of age, it does not make any good sense, with due respect, to allow

military, police, and other security chiefs to quit office at a time when the nation is in dire need of their service.

#### Conclusion

14. In conclusion, I humbly call on Mr President on behalf of the good people of this country, to deal with the issues bedevilling our country decisively, in the spirit of the sacrifices that have gone ahead to afford us the privilege of celebrating the Democracy Day. We are presently the beneficiaries of the sacrifices – pre and post “June 12” up till now, and it only remains for us to ensure that the sacrifices are not in vain. We must all put hands on deck to rebuild this nation and this requires our collaborative efforts.
15. To achieve this noble task, to use the words of Mr President, we must all have **“a change of mind, a change of attitude and a change of approach to governance.”** We must press forward with the attributes of an eagle and the white horse, the symbols of strength and dignity in our Coat of Arms.
16. I thank you for your attention.

May God bless the Nigerian Bar Association

May God bless our Democracy

And may God Bless the Federal Republic of Nigeria.

  
Yakubu Chonoko Maikyau, OON, SAN  
PRESIDENT