NIGERIAN BAR ASSOCIATION

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STATEMENT BY THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION (NBA), MR YAKUBU CHONOKO MAIKYAU, OON, SAN, ON THE CONFLICTING ORDERS EMANATING FROM THE COURTS WITH RESPECT TO THE STOOL OF THE EMIR OF KANO

29 May 2024

Distinguished Colleagues,

I have keenly followed the developments on the recent events concerning the stool of the Emir of Kano.

I must say, without any equivocation, that the conducts of counsel and the Courts in the handling of the proceedings which culminated in the orders issued by the Federal High Court, the Kano State High Court and again the Federal High Court, in circus, have brought utter disgrace and shame to the profession – have exposed the entire legal profession in Nigeria to public ridicule and opprobrium. The damage is one that would take the legal profession a long time to recover from. It is unfortunate and was totally uncalled for.

For a country whose legal resources and expertise have for several decades been exported and positively impacted not only the African continent but the world at large, it is completely unacceptable that the processes of our courts would be deployed in the manner we have witnessed in the last couple of days, on a subject matter that is as clear as chieftaincy dispute. This is a subject that has been sufficiently dealt with by legislations and case law, leaving no one confused about the jurisprudence on the subject – both procedural and substantive.

Without prejudice to the subsisting actions before both the Federal High Court and the Kano State High Court, it is my considered view that there is urgent need to scrutinize the professional conducts of both Counsel and the Judges involved in these matters. This is to enable the relevant bodies or institutions determine their culpability or otherwise, from an ethical and professional standpoint.

I therefore call on the respective heads of the Courts of the Judges concerned, to take immediate steps to look into their conducts with the view to finding any possible abuse of their judicial offices and file a report with the National Judicial Council for necessary action. The NBA on the other hand will investigate the conducts of the counsel involved in these cases and shall not hesitate to commence disciplinary action against them before the Legal Practitioners Disciplinary Committee, should there be any finding of alleged professional misconduct against them. The Chairman of the NBA Ethics and Disciplinary Committee has accordingly been directed to invite these counsel for preliminary investigations.

While the NBA shall continue to stand for and protect the integrity, welfare, and independence of the Bar and the Judiciary, we shall not hesitate to call out any Judge or counsel, who engages in any conduct that is capable of bringing the legal profession to disrepute.

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I have consistently maintained that the institution of the Judiciary must be guarded jealously by all (both within and outside the legal profession) including the other arms of Government (Executive and Legislature), because the existence, peace, growth, development of any nation is intricately connected with the primary responsibility of the judiciary which is the dispensation of Justice. Sheikh Othman DanFodiyo was reported to have said – ***"a people can exist without religion but they cannot exist without justice***". Let us quit being religious as a people and begin to search for God and Justice for the people, in order to attain the peace we must all desire for the benefit of our nation.

The legal profession as a whole (Bench and Bar) must at all times, resist any attempt to compromise its independence, as when this is allowed, we will fail in our noble call and assignment of providing direction to the people and advancing the cause of our nation within the confines of the rule of law. The respect in which the legal profession in any country is held, is the best indicator of the freedom enjoyed by that country. We must therefore bring erring members of the profession to book to regain the respect we must have to lead Nigeria to its pride of place in the comity of nations.

Best regards,

Yakubu Chonoko Maikyau, OON, SAN
PRESIDENT