

LAWYERS MUST NOT FAIL NIGERIA



**BEING AN ADDRESS BY SOLOMON ASEMOTA SAN
AT THE SPECIAL SESSION MARKING THE OPENING OF THE 2018/2019
LEGAL YEAR IN EDO STATE JUDICIARY AT HIGH COURT 1
BENIN CITY, ON OCTOBER 12, 2018**

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EXECUTIVE SUMMARY

Introduction

My Lord the Chief Judge, my Lords, last December, my Lord the Chief Judge was gracious enough to attend and honor me at my 80th birthday. Having attained my present age, I had to seek my senior colleague Mr. Kola Okeaya-Inneh, SAN's permission to address Your Lordship on behalf of the Body of Senior Advocates in Edo State at this Special Court Session. At 80, with six decades involvement with the law in Nigeria having been appointed Cadet Sub-Inspector of Police in 1959, called to Bar in 1970 and the Inner Bar in 1986. I consider this opportunity both a privilege and an honor to be able to stand before your lordships and, through you, address the Law profession of my country Nigeria.

This paper begins with the content of the Tell News Magazine No 37, September 14, 1992, titled **Wild, Wild Lawyers the Battle in Port Harcourt**. It includes parts of its editorial and the full story unedited is reproduced in full below. The whole episode of wild, wild lawyers, the Battle in Port Harcourt, "I submit, was the model of Jihad, Holy war against institutions, Professionals, Trade Union, etc, with the Nigeria Bar Association as the last Sharia conquest that has reduced educated Nigerians (including lawyers) to the status of Almajiri (urchins). One recalls two events: (a) after the 1960 Constitution; and (b) the 1999 Constitution. Act No. 1 of 1961 – the Emergency Act of 1961 that provided a strange way of celebrating independence and freedom and, in particular when, in 1962, Chief Obafemi Awolowo, Premier of Western Region telephoned Prime Minister Tafawa Balewa to inquire whether it was true that a state of emergency was being contemplated by the Federal Government to be imposed on Western Region. Prime Minister Balewa informed Chief Awolowo that only a mad man would contemplate such an action, (which in fact was Taqiyya Deceit), only for the state of Emergency to be imposed on May 29, 1962. It is my submission that this was the day Nigeria made the wrong turning in that, had the State of Emergency not been imposed on Western Nigeria, Nigeria would have continued on the

path of Democracy. This was the last straw that broke the camel's back and served as precursor to the disunity in the country.

The other turning point was the Sharia Criminal Code passed by Zamfara State in 1999 to confront a Christian President, Chief Olusegun Obasanjo. The Zamfara law is in contradiction with Sardauna of Sokoto's Criminal Law and Criminal Procedure Code of October 1, 1960 that was applicable to all Nigerians living in the North was of general application in addition to being Sharia compliant. These issues are raised because Nigeria has both leadership and ideological problems as can be seen from the failings of leadership in the three arms of government – Legislature, Executive and Judiciary, as a result of conflict of ideology – Democracy vs. Sharia. So also is the failure of lawyers who control all of one arm of government, the Judiciary, half of the Legislature and half of the Executive. The consequence is that if Nigeria fails it will be as a result of lawyers' failing in their responsibility because **"institutional progress of a country lies in the hands of the profession of the Bar** who are trained to adopt the practical adaptation" of politics and social science. It would have been out of place for the CJN to have replied President Buhari at the Annual Conference of the NBA who, in his speech, suggested that security should, at times, take precedence over the Rule of Law. He said: "I believe that lawyers can contribute to another core objective of enhancing our business environment and promoting social justice by promoting respect for the Rule of Law; contributing to the law reform process and putting national interest and professional ethics above self in the conduct of their business; Rule of Law must be subject to the supremacy of the nation's security and national interest. Our apex court has had cause to adopt a position on this issue and it is now a matter of judicial recognition that; where national security and public interest are threatened or there is a likelihood of its being threatened, the individual rights of those allegedly responsible must take second place, in favor of the greater good of society."

Lawyers in government have unwittingly joined proponents of Sharia to develop an illegitimate source of legislation in Nigeria (Sharia), because it would appear that as they, Common Law lawyers cannot beat Sharia proponents they had to join them. Tell News Magazine Publication No. 37 of 1992, which described Nigerian lawyers as radical and conservative and this distinction can be better described as **Common Law Lawyers and Sharia Lawyers**. The paper suggests that the incumbent AGF's credentials and body language suggest an Islamist Sharia Lawyer rather than a Common Law Lawyer, otherwise as AGF, the question of rule of law is sacrosanct and what the President said should not

have found its way into the speech. The 1999 Constitution with all its imperfections, has Chapter II Fundamental Objectives and Directive Principle of State Policy, a "manifesto" to guide Nigerians to overcome poverty and promote unity and prosperity.

My lords, the solution is simple – respect for the Constitution and enforcement of all laws passed by the National Assembly and various Houses of Assembly. The question of ensuring respect, etc is the responsibility of lawyers in a civilized Nigeria. Nigeria is civilized notwithstanding Boko Haram which means (Western education is a sacrilege) and the Fulani herdsmen that are being foisted on Nigeria by the proponents of Sharia through a jihad that has become dominant because lawyers have shirks their responsibility as institutional lawyers.

Lawyers who wanted the Chief Justice of Nigeria to defend the independence of the Judiciary on the spot after the opening speech by President Buhari based their argument on the fact that the three arms of government are equal. In theory, this is practicable, but not appropriate when lawyers have access to the courts where judicial pronouncements are made. I submit that the CJN is right not to have raised the issue at the conference because it is the duty of us, lawyers to set the process in motion for judicial interpretation. The Attorney-General of the Federation must have drafted the President's speech and, in any case, he cannot claim ignorance of the document. It would appear that some lawyers especially Sharia proponents have difficulty in defending the separation of powers and the rule of law, which show that the Nigerian Bar Association has much to do in the promotion of Common Law Bar.

For the new wigs, I submit that you cannot now claim ignorance of the jihad taking place in Nigeria. As lawyers, we must, for our survival, demand justice in our country because if there is no justice in the land, there cannot be justice in our courts. President Buhari is the symbol of justice but if he chooses to ignore injustice, we, lawyers, should utilize the appropriate avenue to call him to order. The future of Nigeria is in your hands lawyers especially the new wigs. If the legal profession does not fail, Nigeria will not fail.

Thank you my Lord for this opportunity.

God bless Nigeria

Solomon Asemota, SAN

September, 2018

LAWYERS MUST NOT FAIL NIGERIA

BEING AN ADDRESS BY SOLOMON ASEMOTA SAN
AT THE SPECIAL SESSION MARKING THE OPENING OF THE 2018/2019
LEGAL YEAR IN EDO STATE JUDICIARY AT HIGH COURT 1
BENIN CITY, ON SEPTEMBER 28, 2018

Protocol

My Lord the Chief Judge, my Lords, last December, my Lord the Chief Judge was gracious enough to attend and honor me at my 80th birthday. Having attained my present age, I had to seek my senior colleague Mr. Kola Okeaya-Inneh, SAN's permission to address Your Lordship on behalf of the Body of Senior Advocates in Edo State at this Special Court Session. At 80, with six decades involvement with the law in Nigeria having been appointed Cadet Sub-Inspector of Police in 1959, called to Bar in 1970 and the Inner Bar in 1986. I consider this opportunity both a privilege and an honor to be able to stand before your lordships and, through you, address the Law profession of my country Nigeria.

Wild Wild Lawyers

TELL MAGAZINE EDITION NO 37,
SEPTEMBER 14, 1992, HAS A FRONT PAGE CAPTIONED WILD WILD LAWYERS.

Part of the editorial reads

The Nigerian Bar Association national conference has always been a battle royale between those considered radical and the conservative. Quite often, the pattern of voting has always been along this ideological divide. It is either the radical lawyers win hands down or those a-little-to-the-right carry the day. Whatever be the outcome, it has always been an exciting show of legal acrobatics.

This years' conference that ran into a stormy weather in the old garden city of Port Harcourt, Rivers State, was no exception. It was no surprise anyway. We, at this end, knew something big and newsworthy would come out of it. What happened about the sudden emergence of Learned Amazon in the person of Mrs Priscilla Kuye who fought government to a standstill over the observation of a rule of law? Or what about the

coming together of pro establishment lawyers to unseat her as the NBA president? We could smell the news a month from the Port Harcourt debacle. So, we did not take any chances, at least in the view of the recent development that catapulted Kuye unto the scale of reckoning, especially among her radical colleagues.

Thus, our man in Kano, Ose Irabor, was asked to accompany the state delegation to the venue of the conference and feel the pulse of the different interest groups competing for the leadership of the association. Our choice of Isibor is quite understandable. For the first time, a "Northern Lawyer" Bashir Dalhatu, was seriously contesting for the leadership of the NBA. That was big news for us. So, why not cover the conference from the "Northern" perspective? The others, Kuye, the incumbent president, and Kanmi Ishola Osobu were from a familiar terrain which the Lagos office could cover.

But what Isibor saw was beyond expectation. He saw chaos, acrimony, accusations and counter accusations by the learned friends. "It was a real commotion," said an obviously agitated Isibor on reporting back to Lagos. "From what I saw, the NBA cannot be the same again." That may sound too pessimistic but there was no persuading Isibor to understand that way. The man literally saw hell in Port Harcourt as the learned gentlemen were at each other's throat, both in the metaphorical and physical sense, as the day of election drew near. According to him, it was the timely intervention of the court, through an interim injunction, that saved the body of learned colleagues from a total eclipse in broad daylight.

Our cover story this week is, therefore, on the aborted NBA conference in Port Harcourt. It focuses on the intrigues, behind-the-scene jostling, the coups and counter coups that turned the erstwhile gentlemen of the bar into **wild, wild lawyers**. The story is anchored by Ademola Oyinlola, associate editor. The report is reproduced below:

WILD, WILD LAWYERS

FURY, FISTS AND FIASCO

Intrigues and bad politics reduce rivalry for Nigerian Bar Association's leadership to a war of guttersnipes, making mockery of revered association of learned gentlemen and defenders of law and order.

Those of us in Port Harcourt at this conference did not know then that the whole scenario before and after the conference was a Jihad by the Islamist who are against democracy, Human Rights and rule of law.

It was not supposed to be a smooth conference. Before it began Monday, August 24, in Port Harcourt, the oil-rich capital of Rivers State, all the signs were there that the annual general conference of lawyers was going to witness a titanic struggle for the leadership of the Nigeria Bar Association, NBA. By the time the meeting ended, not only abruptly but violently Friday 28, it had entered the records as the worst conference in the 106-year history of the association. All the lawyers who spoke to TELL last week struggled to outdo one another in their choice of labels to describe the botched conference.

"A show of shame," one called it. Another dubbed it a "charade." For yet another "it was a capital disgrace for the entire legal profession." Said a lady: "I am ashamed to be called a lawyer." Like many of her colleagues, she has to be. True, many of the lawyers knew that the conference was not going to be a tea party, but obviously, they got more than they bargained for. Before the annual conference, the lawyers differed along many lines. The most prominent of which was the conservative radical divide.

Some held the position that the association was too confrontational to the Federal Government because Priscilla Kuye, the first woman to lead the bar, had been "hijacked" by the radical members of the profession. Other felt Bashir Dalhatu, a Kano-based legal practitioner who was regarded as the main challenger to Kuye, was being sponsored not only by the conservative group, but by the government to decapitate the NBA and return it to its firmly "irrelevant status". However, supporters of Dalhatu claimed that if there was a government candidate, it was Priscilla Kuye whose husband Omowale was a lawyer and economist, is a director-general in the presidency.

But Femi Falana, a Lagos based lawyer of radical disposition, argued that Dalhatu was the government's "baby," judging by the amount of patronage he has enjoyed from the government since 1977, especially from the Babangida administration. For example, the regime made Dalhatu a member of the Constitution Review Committee in 1987 and 1988 proceeded also to make him a member of the Constituent Assembly. In 1990, the same government made him chairman of the Nigerian Agricultural and Co-operative Bank, during which period he was also a member of the governing council of the Nigerian Institute of Advanced legal Studies, Lagos.

Not only that, the struggle to remove Kuye, her supporters argued, was unconnected with the spirited effort to "cover-up" charges of #1.8million financial impropriety leveled against Charles Idehen and Obafemi Adewale, former president and general secretary respectively of the NBA. The two men were said to have been at the forefront of the campaign for the election of Dalhatu.

Perhaps by far the most divisive factor was the public utterance of Saleh Michika, the governor of Adamawa State, that it was time a northerner took over as president of the Nigerian Bar Association. The same Michika earlier had called on the country's military president not to hand over power to a civilian president next year because he is the only person who can handle the nation's economy. But prior to Michika's call for a Northerner to head the NBA, a former military governor from one of the Northern states who is also a lawyer had expressed the same sentiment a few years back. It may have caught on.

As part of the battle plan, the Dalhatu group was said to have mobilized government lawyers in the Northern states' ministries of justice to attend the Port Harcourt conference to ensure victory for their man. The presidency may also have been hoodwinked into the plan. TELL learnt that a top security officer who, like Dalhatu, is from Kano State, reportedly told the President that a popular multimillionaire and big-time publisher, had contributed some #5 million to a large sum of money for Kuye's campaign and that since the millionaire's motive was questionable, there was need to counter it by mobilizing Dalhatu with funds. A total sum of #10 million was said to have been disbursed, but this could not be confirmed. According to the source, when a representation was made to the president on behalf of Kuye to find out if it was true the government wanted her removed, the president reportedly told the gentleman who made the representation that he acted on the advice of the security official who was invited to the discussion.

When the gentleman who made the representation reportedly sought the president's permission to ask a few questions from the officer, a request which was granted him, he demanded to know if the security apparatus was developed to find out when and how the multimillionaire passed money to Kuye. The officer was said to have said he only learnt of it. He was then, according to TELL's sources, challenged to employ every means to find out if Kuye had been able to raise for her re-election was more than #200,000.

A surprised President was said to have expressed regret that money had been disbursed. Other sources said that the presidency lent its sympathy to Dalhatu because Kuye, through her activist campaign for the rule of law, dented the image of the government and the military. But a top government aide last week told TELL that all such claims were baloney told journalists by Kuye's fanatical supporters. Yet Kuye's supporters pointed to the fact that Dalhatu's camp succeeded in booking all the accommodation of Presidential and Olympia hotels, the two leading ones in Port Harcourt.

They also drew attention to the fact that some of his supporters came in chartered flights while others came in state transport corporation vehicles and some others in government saloon cars with clearly marked registration numbers. They also alleged that varying sums of money were given to the lawyers, with return tickets to come to the conference venue to vote for Dalhatu. One lady from Kebbi State (name withheld) told a confidant that she was given N7,000 and that she and her other colleagues were acting on orders. No "spending spree of the Dalhatu people, according to the Kuye camp, was more of a scandalous spectacle than in Rivers State NBA where two lawyers allegedly hijacked N400, 000 meant for a bigger group. Radical lawyers who slept in the open because they could not afford the high costs of the city's hotels were also said to have been taken care of by the Dalhatu's camp. But another source told Tell that Dalhatu himself is a very wealthy person who could have financed his own election. The same source, however, said the problem with his campaign was that it saw nothing wrong in the way of the government's disrespect for the rule of law and contempt for the judiciary. This, he said fuelled greatly the suspicion that he was backed by the authorities and that if he had any misgivings about the military regime's attitude to the judiciary, he did not show it.

On the other hand, the major plank on which Kuye's re-election battle plan rested was her record in office especially the defence of the rule of law and protection of the integrity of the judiciary. But Dalhatu's supporters claimed that she used power of incumbency to enhance her position. The Dalhatu-for-president campaign was refused the use of the NBA Centre at Iyaganku in Ibadan, Oyo State, by the pro Kuye group, for a campaign billed for August 20. The refusal was communicated to the group on August 19, a day to their campaign.

One T.A. Oyeyipo who had applied for the use of the centre on behalf of the Dalhatu campaign committee commented: "Colleagues see the arrogant use of power of incumbency and the politics of intolerance that is the special characteristic of the present leadership of the NBA". With these plans on both sides, the stage was set for a tug of war between Dalhatu and Kuye. Although Kanmi Ishola Osobu was also in the race, everyone knew the contest was between the incumbent and Dalhatu.

From the first day of the conference, said Chuma Nwosu, co-ordinating attorney of the Constitutional Rights Project, CRP, tension was palpable all over and people were just talking elections, elections and elections. There was a complete absence of issues such as will be expected of a body like the NBA.

It was essentially a political conference. I was disappointed from day one that even when the Chief Justice of the federation was about to make a speech, many of the people were not even listening he had to shout at the top of his voice "We are a disciplined profession why are we they making noise at the back?" People were not interested in issues," said Gani Fawehinmi, a very well-known radical lawyer who attended the conference after staying away for ten years. The speech of Mohammed Bello, the nation's Chief Justice in which he criticized the boycott of courts by lawyers did not go well who felt it could have profited Dalhatu and worked against Kuye. Bello had condemned the lawyers' boycott of courts as unconstitutional, unethical and an abuse of the client-lawyer relationship. Since Kuye support the boycott, it was obviously a rebuke for her. Another criticism against Bello's speech was the fact that the boycott which, itself, was the subject of a case in court could still come to the Supreme Court. In this sense, Bello is seen as unfair and doing damage to a party in the case.

It was the first time Bello was commenting on the action led by the Kuye executive in May to protest government's disobedience of court order. The Chief Justice stayed above the fray while what many regarded as assault of the judiciary by the executive lasted. Ironically, many felt he should have spoken in defense of the entire judiciary during the crisis. Attorney-General, Clement Akpamgbo's statement did not help matters either, according to them. When Kuye was giving an account of her stewardship, she had said that her executive was not confrontational. All it did was to defend the rule of law. When it was attorney-general's turn to speak, he said he was not replying Kuye, since he was not

contesting election. What he obviously meant was that she was playing to the gallery to win votes.

The following day, Tuesday, August 25 deliberations managed to take off without any incident until it came to the point when Kuye's Report came up for debate. As speculated, the N1.8million alleged to have been misappropriated by Idehen and Adewale was the sore point. Kuye told the house that it was for the general conference to decide on the matter since it was inconclusive. The national executive committee of the bar, she said, had decided after questioning Idehen, Adewale and Dalhatu over N800, 000, N500, 000 and N500, 000 respectively at meetings in Abuja and Warri that receipts and invoices be sent to the secretariat by them. She said photocopies of three receipts have been sent to the secretariat but "invoices have not yet been received".

Dalhatu again defended himself: "I am surprised that the same people who came to me to assist the NBA to guarantee a loan from Group Merchant Bank are the same people who are now accusing me falsely," he began, adding that all he did was to ensure that the African Bar Association Conference in Abuja, ABA, did not fail. While his supporters wanted him to continue, his opponents felt he was wasting much time at which point the lawyers snatched microphones from themselves and upturned the rostrum on which Kuye and her executives were seated. It was chaos incorporated. Of course, that ended the morning session.

But the afternoon session was no less rancorous. Kuye had invited Gani Fawehinmi to address the house and express gratitude to the NBA for the support he and four others received when the government detained them and organized a hokum of a trial on charges of treason against them. Fawehinmi thanked the entire members of the bar alright but he did not stop there. He said: "I must pay my respect and commend the role Kuye played and then say that the first time we are having a woman president, she has shown that she is the iron Lady of the of the Nigerian Bar, the Margaret Thatcher of the Nigerian Bar and the Indira Ghandi of the Nigerian Bar."

Those encomiums obviously did not go down well with Dalhatu's supporters. One them mounted the rostrum and again snatched the microphone from Fawehinmi, leading to another uproar. The session also came to an abrupt end. No consensus could also be reached on the discussion and ratification of the draft constitution of the association,

since Thursday was a free day, the delegates unanimously agreed to defer the issue till Friday morning especially as proper accreditation of members duly present and partaking in the deliberations had not been done.

Thursday, for many of the lawyers, turned out to be the most useful day when Gani Fawehinmi's two books, **Court System in Nigeria** and **Bar in the Defence of the Rule of Law in Nigeria** were launched by Phoebe Ajayi-Obe, Senior Advocate of Nigeria, SAN and Akinola Aguda eminent jurist and retired Chief Judge of Ondo State. Aguda on that occasion gave a reply to the nation's Chief Justice when he said the boycott of the courts by lawyers offended against a section of the Nigerian Constitution. He said it was not written anywhere in the Constitution that lawyers could not boycott the courts in defence of the rule of law.

Even as some of the events of the previous days remained inconclusive, each group accused the other of plans to rig on the last day of the conference. There was no stratagem to which they did not descend to quell a rival's pitch. Kuye's supporters alleged that Dalhatu's men had brought to the conference even those whom they suspected were not lawyers to ensure victory for him at all cost. Among those brought, they alleged, were security officials and, perhaps, thugs some of whom were armed. A serving lieutenant-colonel in the army was said to have led a delegation of 250 lawyers and non-lawyers to the conference. Mission: Vote for Bashir Dalhatu. At least two lawyers told TELL that as some men made to adjust their flowing gowns, they saw daggers concealed under their robes. "I will have my doubts that some of the delegates are lawyers," agreed Femi Falana who also said that proper accreditation was made impossible by some delegates who wanted to perpetrate the rigging.

Some of Kuye's supporters alleged, for example, that A.Z. Ofolue, a female lawyer and financial secretary in Kuye's executive but in Dalhatu camp, failed not only to attend meetings of the committee but refused to release booklets of people she had registered for accreditation purpose. They alleged that she was carrying on accreditation in her hotel room up till Thursday when the exercise was supposed to have ended by Wednesday. When eventually, she showed up at about noon on Friday though it started by 9 a.m. she in turn, said Kuye had "stolen" 10 booklets from her and had been registering delegates. She called for an indictment of Kuye.

TELL learnt also that a very senior official of the Federal Ministry of Justice, well ensconced in his hotel suite, also carried on accreditation exercise long after it was supposed to have ended. He was also said to have masterminded the payment to the Supreme Court in Lagos, practicing fees of as many as 2,500 names in bulk contrary to the standard practice of each individual paying his own fees. The registry of the Supreme Court was said to have almost exhausted receipt booklets in their store.

According to a TELL source, when the list was first taken to the Supreme Court late on one of the evenings a week before the conference, officials were said to have refused to work on the list on the ground that it was late. But "an order from above" later did the trick. The top official, it was also alleged, had camped 250 student-lawyers in a nearby town (some say Aba and others Awka) in readiness for the voting. As both sides were alleged to have performed rigging plans it became practically impossible to make progress so the conference slid into another riotous session, which was to bring a final end to the annual meeting of the lawyers. But not so, said the Kuye camp. The trouble arose, it said, because non-lawyers were fraudulently accredited to vote. Said the source: "we reached for Gani's book **Bench and Bar in Nigeria** which lists all lawyers till 1988. From 1988 till date, we had certified copies of the list of those called to the bar by the Law School. We insisted we could check all lawyers with these documents. The Dalhatu people got wind of this and knew the game was up and this was when they turned violent." Whatever the story, violence was guaranteed. Something had to be done.

An order of a Port Harcourt High Court made by Justice P.N.C Agumagu was read, amidst the confusion to the house, restraining the NBA from dissolving the offices of the national officers or from removing any current officer or from conducting elections. Kuye and Adesuyi Olateru-Olagbegi had a difficult time trying to get the delegates to listen to the court order. When, eventually, they succeeded in doing so, some delegates shouted No, No, don't let Kuye escape, at which point some of them were set to inflict on her, physical harm. One Emeka Nwosu, a stoutly built lawyer of about six feet six inches however shielded the bar president and whisked her out of the Port Harcourt Civic Centre, the conference venue, through the back door.

As Falana later told TELL in Lagos, by Tuesday, August 25, it was clear to him and three other colleagues of his, Luke Aghanenu, Akin Ladipo, and Anozie Obinnaya that the annual conference, and indeed the election of new executives could not be successfully

conducted because of the unruly behavior of lawyers. Working underground, they went ahead and filed the motion in court and followed all the process personally until they secured the order and ensured it was passed to the conference. In anger and frustration, lawyers went wild, broke chairs and used them freely as missiles and everyone had to disperse.

Of Falana's action, Fawehinmi said "that was very good. That brilliant young man and his other friends have shown leadership qualities not only for the profession but the entire country. They saved the whole country agony by containing what would have been a very violent situation if that election had taken place." He added that he would have been a target and would definitely have been seriously harmed, if not killed in the brawl.

The situation would really have been bad if the election had taken place. All of a sudden, the affairs of a professional association became an extension of Nigeria's national politics. The utterances of Governor Saleh Michika of Adamawa State that a northern indigene should be the next president of the NBA was not taken low lying. At least not by two of his colleagues from the eastern states. TELL learnt one of them dispatched his attorney-general and secretary to the government to the Igbo delegates at the Port Harcourt conference to ensure that Kuye was returned as the president of the association. The other governor also reportedly sent a message that if they did not vote for Kuye some of them, at least those he is able to identify, will pay for the consequences. He was also said to have threatened that they would be cursed by Igbo gods. He, according to the source, was so particularly irked that he was said to have asked that "if the north thinks now is the time for them to produce the president of the bar, why do they not always want to hear that now is the time for the south to produce the president of the nation. What do this people take us for?"

One effect it would have had was that if the governors' orders had been carried out, it would have tilted most votes from the eastern states in Kuye's favor and thus ensured her victory.

As Fawehinmi explained last week, "I think the desperation by some people to ensure that Kuye is removed at all cost because of the amount of money that has allegedly been spent led to great tension and subsequent disruption of the conference. But it could have been worse if we had the election."

One lawyer has argued that to save their faces so that it does not appear as if they have lost everything completely is one reason why those disgruntled that the election was cancelled have now constituted themselves into a planning committee after announcing that it had suspended the executive under Priscilla Kuye, contrary to the Port Harcourt court order. The planning committee has also promised to organize the 1992 conference for October 25 in Abuja. Not leaving anything to chance, Femi Falana also got an order of an Ikeja court last week to restrain the group of lawyers from parading themselves as members of the planning committee of the NBA. The order also restrained them from organizing, holding or arranging any meeting of the association as well as disturbing or meddling in the affairs of the national executive committee of the body as presently constituted.

But before the lawyers left Port Harcourt, Edwin Clark, a former federal commissioner for information of the Warri branch of NBA said "whether Kuye likes it or not, the conference has been, successful, though we had disagreements a planning committee has been set up to sort out the. Court injunction problem. October 29, we shall meet in Abuja to elect a new executive. "Idowu Adegbite of Ijebu-Ode branch does not think so. "In so far as the order has been obtained restraining us from conducting this election the status quo remains. Any lawyer here who does otherwise is only being pretentious, playing to the gallery and acting ultra vires court could seriously view that action as contempt." Adesuyi Olateru-Olagbegi, said of the bar crisis." It is a rather unfortunate development. Nobody expected what eventually happened. Bashir Dalhatu spoke in a similar vein: "Nobody expected this kind of thing." Two other lawyers who spoke to TELL said it would be best to have a fresh election in four months when the military regime would have handed over to a civilian regime since both groups curiously accused each other of sponsorship by this regime.

Falana, SAN may have had the last say at least for now with the optimism expressed that "somehow NBA will forge ahead in spite of this dent, it is not a permanent one. The NBA will survive it all".

Perhaps, and only perhaps.

Stealth Takeover of Professional Organizations

The above narrative constituted the modus operandi of the jihad (both conventional and stealth) used to destroy professional organizations in Nigeria that made it possible

for the Intelligence Services in the promotion of Sharia to take over these organizations. The Nigeria Bar Association was last in the "takeover" of professional organizations including the Medical Association, etc, that were taken over stealthily and Chief (Mrs.) Priscilla Kuye would not allow the Bar Association to be taken over without a fight. The Nigeria Bar Association after this fracas went into limbo for over three years before the new Association that was Sharia compliant came on board. The Bar by its leadership position is the protector of the Judiciary and Human Rights of the people. Events of September 1992 was the month and year when Sharia lawyers took over from the Common Law lawyers in Nigeria that begin the steep decline of Nigeria in the comity of Nations.

At the opening ceremony of the Nigerian Bar Association Annual General Conference in Abuja on August 26, 2018, His Excellency, Muhammadu Buhari, President, Federal Republic of Nigeria, declared as follows: "I believe that lawyers can contribute to another core objective of enhancing our business environment and promoting social justice by promoting respect for the Rule of Law; contributing to the law reform process and putting national interest and professional ethics above self in the conduct of their business. **Rule of Law must be subject to the supremacy of the nation's security and national interest.** Our apex court has had cause to adopt a position on this issue in this regard and it is now a matter of judicial recognition that; where national security and public interest are threatened or there is a likelihood of their being threatened, the individual rights of those allegedly responsible must take second place, in favor of the greater good of society." [Emphasis supplied] [Para. 15 – 16]

Since then, there seem to be a mis-understanding as whether or not, the Chief Justice of Nigeria, Justice Walter Onnoghen should have lectured the President there and then on the supremacy of the Rule of Law. I join those who hold the view that Judges do not make legal pronouncements at opening ceremonies. Those who want pronouncement made should file an action in court and Judges will interpret the law.

The jihad against the NBA ensured the Islamists' control of the legal profession in Nigeria. It will be naïve, in the circumstance, for the CJN to enter into a debate with an Islamist President. It is pertinent at this juncture to draw attention to two events after the enactment of the 1960 and 1999 Constitutions which showed clearly that Nigeria is one country with two ideologies, one open and the other shrouded in secrecy, one

written, the other unwritten and stealthy. This explains I submit, why and how it seems that Nigeria has been working hard to overtake India as the country with the largest number of people living in extreme poverty in the world. Brooklyn Institute in its recent world poverty clock has estimated that 87 million Nigerians are currently living in extreme poverty. The main reason for this state of affairs besides leadership failure is the politics of Democracy and Sharia.

Act No. 1 of 1961

Dr. F. A. Ajayi, SAN in his book titled **In Our Days: An Autobiography**, wrote that after the promulgation of the 1960 Constitution, the first Act passed by the Nigerian Parliament was the Emergency Act No. 1 of 1961 assented to by the Governor-General, Dr. Nnamdi Azikiwe on April 17, 1961, a strange way of celebrating freedom. He also narrated the events that followed in the Western House of Assembly which I can attest to, as a Nigerian Police officer at the time serving in Ikeja Division. It is clear from his narrative, in my view, that the Emergency Act of 1961 was a jihad to weaken Democracy and, in the process, established two ideologies pulling on opposite directions. The events in the Western House of Assembly on May 1962 when a member of the House jumped from his seat on to the desk in front of him shouting "fire on the Mountain" and threw a chair, confirmed the information the Commissioner of Police earlier passed on to Justice Adegboyega Ademola who was then the Director of Public Prosecution in the Region. The telephone conversation between Ademola and the Commissioner of Police was to the effect that the Federal Government was in the process of contriving a crisis in Western Regional House of Assembly to enable it declare a State of Emergency in Western Nigeria. This information was passed onto Chief Obafemi Awolowo, Premier of Western Nigeria who telephoned the Prime Minister Sir Abubakar Tafawa Balewa. The Prime Minister denied the allegation saying that only a mad man would contemplate such an action. [pgs. 464 - 481]. It is now very clear to me, with the benefit of hindsight that Prime Minister Tafawa Balewa played one of the tenets of Islam - Taqiyya (deceit) on Chief Obafemi Awolowo. Q3:28.

Most octogenarians are in a position to corroborate events in that year but cannot agree with Dr. Ajayi when he wrote: "May 29, 1962, 56 years after the State of Emergency was declared in Western Nigeria became the day when the wrong turning was taken in Nigeria's political history leading to Western Regional Election in 1965, the peoples bloody revolt against rigged result, the first coup d'état of January 15, 1966, the first

military regime counter-coup of July 27, 1966 and the Civil War of 1967 – 1970 etc. **It is my submission that had the emergency not been declared in 1962, there would not have been the coup of 1966 and Nigeria could have continued on the path of Democracy.** The other view is reflected by Kirk-Greene who wrote “what would surely have been the remedial reform par excellence, namely the implementation of a partly anticipated recommendation from the Willink Commission for the creation of new Regions, never came to pass. Hence 1958 remains, in the eyes of many domestic and external observers (though less so among those who were at the helm, or at least on the bridge, at the time) the point-of-no-return year, in which both the Nigerian political class and British officialdom got the constitutional remedy all wrong.” [**Transition Without End pg. 14**] 1958 was not the turning point but May 18, 1961, assented to by the Governor-General, Dr. Azikiwe on April 17, 1961 and given retrospective effect from March 30, 1961 “the Act, among other things, enabled the Federal Government, during a period of emergency, to make regulations for the detention of persons or the exclusion of persons from any part of Nigeria or authorizing authorities and powers to make regulations, orders, and rules and every such regulation or such order or rule made thereunder, shall have effect *notwithstanding anything inconsistent therewith in any law.*” [**In Our Days: An Autobiography Dr. F. A. Ajayi SAN pg. 469**] Thus one man rule was made to replace majority rule under Democracy.

Zamfara Sharia Criminal Law

The second event was the two bills signed into law by Zamfara State Government Sanni Ahmed Yerima in 1999 on Sharia Criminal Law after the promulgation of the 1999 Constitution and the swearing in of Chief Olusegun Obasanjo as President of Nigeria. This was another pivotal moment in Nigeria's history when a transition to democracy ended the “sixteen years of corruption and increasingly brutal rule by authoritarian generals of Muslim North (e.g. Ibrahim Babangida and Sani Abacha)”. “Most Nigerians in 1999 held the northern generals and their civilian advisors responsible for destroying the prosperity, public institutions and international reputation of the nation. Nigeria had fallen to pariah status.” [**Paul M. Lubeck Shari'a Politics: Islamic Law and Society in Modern World**] It is pertinent to point out therefrom that these two laws on Criminal Sharia were passed notwithstanding the fact that the Sardauna of Sokoto and Premier of Northern Nigeria painstakingly promulgated the Penal Code of the North and the Civil Procedure Code both of which came into effect on October 1, 1960. The two codes were internationally accepted, and applied to all persons resident in Northern

Nigeria. To crown it all, the laws were compliant with Islamic law. Governor Sanni Ahmed Yerima went on to enact Criminal Sharia laws contrary to Section 10 of the Constitution which prohibits state religion as a strategy to make democracy difficult for Chief Olusegun Obasanjo's administration who was regarded at the time by some Muslims and international community as a "born again Christian." Thus promoting Sharia in competition with Democracy.

There is need to situate these events and the time they occurred, not in terms of ethnicity or religion but on the basis of ideologies – Democracy and Sharia. Sharia law was seen as a check on the growth of Democracy in Nigeria and also as the stealth source of legislation

The years - 1960 and 1999, were periods of Democratic constitutional developments in Nigeria and immediately thereafter issues quite inimical to Democracy, freedom and rule of law were introduced by Muslim leaders Tafawa Balewa and Sanni Ahmed Yerima to hinder freedom and democracy. It requires a proper understanding of Islamic tenets to appreciate the true meaning and effect of Act No. 1 of 1961 and Governor Sanusi's Criminal Sharia Law of 1999 that have since been adopted by a total of 12 Northern States. The Nigerian experiment since 1960 has established and encouraged the means whereby Nigeria "is ruled by a multi-layered, institutionalized oligarchy, composed of self-serving politicians, business people, political fixers, 'godfathers,' former military officers and elite bureaucrats who share a common interest in gaining access to the clientelistic networks responsible for the redistribution of petro-rents." [Paul M. Lubeck, *Sharia Politics*, pg. 248] rather than Democracy that is based on political concepts of tried and tested ideas of the past that established democratic governments first in the United States with the first written Constitution. Sharia, on the other hand, in its tenets, considers Democracy as man-made law illicit under Sharia law for whose adherents, Allah already has provided the only law permissible – sharia; thereby making it impossible for Democracy and Sharia to co-exist in harmony Sharia has an additional stone wall in that it cannot be amended to conform to changing human values and standard.

Incompatibility of Democracy and Sharia

This incompatibility, I submit, is why after over 100 years of amalgamation, Nigeria is still very much divided and the end result includes extreme poverty. The sentiments

expressed by Princeton N. Lyman former UN Ambassador to Nigeria at a conference in honor of Professor Chinua Achebe in which conferees listed Nigeria's importance in terms of population, oil, wealth etc. Ambassador Lyman's contribution was more down to earth. He said: "I wonder if all these emphasis on Nigeria's importance creates a tendency to inflate Nigeria's opinion of its own invulnerability – "Among much of the elite today, I have the feeling that there is a belief that Nigeria is too big to fail, too important to be ignored, and that Nigerians can go on ignoring some of the most fundamental challenges they have many of which we have talked about: **disgraceful lack of infrastructure, the growing problems of unemployment, the failure to deal with the underlying problems in the Niger-Delta, the failure to consolidate democracy and somehow the feeling that it will remain important to everybody** --." He continued "And I am not sure that that is helpful. Let me sort of deconstruct those elements of Nigeria's importance, and ask whether they are as relevant as they have been. We often hear that one in five Africans is a Nigerian. What does it mean? Do we ever say one in five Asians is a Chinese? Chinese power comes not just for the fact that it has a lot of people ... it has harnessed the entrepreneurial talent and economic capacity and all the other talents of China to make her a major economic force and political force. What does it mean that one in five Africans is a Nigerian? It does not mean anything to a Namibian or a South African. It is a kind of conceit. What makes it important is what is happening to the people of Nigeria. Are their talents being tapped? Are they becoming an economic force? Is all that potential being used? And the answer is "Not really." Lyman asked what Nigeria was contributing to Africa and the black race that would amount to "Nigeria's most important strategic importance. In the end, it could be that it failed." One may add, failed as a Nation. The above statement, I submit comes from the heart of a man, we can call a friend of Nigeria. We must not be carried away by the superficial, as a result of ideological divide rather than the substance – important ingredients for human development.

Leadership and the Three Arms of Government in Nigeria

The question is why one should choose ideological conflict as an issue on an occasion like the opening of the Legal Year. The reasons are many but two will suffice. First, this is a gathering of the Nigerian elite who are in the profession of law. Second is the absence of genuine leadership in the country especially in the three arms of government, the Legislature, Executive and Judiciary. With respect to the Legislature in Nigeria, the Executive has dragged the head of the Legislature – the President of the Senate to court

for breach of code of conduct and we are told that an additional charge under Section 7 of the Criminal Code - party to the crime of robbery is being contemplated. This is anti-democratic and ensured the promotion of Sharia. In any case, since independence 58 years ago, the Legislature has had only 27 years of existence. The country has been dominated by the Executive arm especially the Armed Forces and the Police, who see themselves as ordained by God.

With respect to the Executive, one needs to reproduce what Babangida said about the present leadership "But what about Babangida's friendship with Buhari, I asked. Sounding like his old friend Abiola, Babangida said with a laugh, "To be able to stage a coup you have to be close to somebody." But when I restated the question, his voice, for the first time, snapped with impatience. "Yeah, okay: **There was Buhari the man, Buhari the military officer, and Buhari my colleague, and Buhari my friend. All that was there. But immediately after the coup, we saw also another Buhari, completely different from the person. It was like Abacha. He's my friend. The other aspect of Abacha or Buhari, they bottled it up and worked within the outside of the bottle. Eventually the bottle burst and we began to see a different person altogether.**" He paused for a moment. "I was a very good friend of Buhari, there's no doubt about it." [Karl Maier, *This House has Fallen in Crisis*, pg. 14] The question to ask is whether in the above circumstances, "bubble burst" is not Islamism, different from Islam.

General Gowon wrote to General Buhari about the problems confronting Nigerian and other third world countries in Global Fund from his experience in Yakubu Gowon Centre (YGC). Gowon sent a reminder, but Buhari did not send an acknowledgement. It is clear that President Buhari does not consult other former Heads of State Christians or Muslims as reflected in the letter from Obasanjo to Buhari advising him not to present himself for re-election. General Danjuma was also ignored and that led to his exhortation that Nigerians should protect themselves as the Armed Forces and Police have been compromised. All above suggest stealth jihad. It is, then it must be in aid of conventional jihad of Boko Haram and Fulani herdsmen. With respect to the Judiciary, since Justice Irikefe left the Supreme Court, all past Chief Justices were all Muslims until Onnoghen became CJN. It would have been unwise of the CJN, under the circumstance, to pass judgment on the President in public, in matters (Human Rights) in which lawyers have access to our courts. In any case, the Islamists do not accept man-made

Constitution, laws and morals, so reminding the President about the rule of law will achieve nothing.

Lawyers have Failed Nigeria

If Nigeria fails, the blame will rest squarely on us lawyers and Nigeria is likely to fail if Nigeria continues to waste her time and resources promoting concurrently both Democracy and Sharia which, by implication, means promoting stealth jihad, against Democracy. The conduct of some of us lawyers in public offices suggest that most lawyers in Government are placed in situations whereby their oath of office, part of which reads: **"I will discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria;... etc."** is made "subject" to what the Quran allows. It is unfortunate that some of us lawyers are made to choose between the Constitution and Sharia in our application of the written Constitution and Law. It seems to me that my learned friends often opt for Quran which is considered divine law and its tenets which include Gender Inequality, Islamic Supremacy, Jihad – conventional and stealth, Taqiyya/Lying, Blasphemy, Apostasy, etc. as obligatory over and above the Constitution. Nigeria has approximately 170 million people. Like our population, Nigeria has the largest concentration of lawyers in Africa. We must not allow extreme poverty to affect the profession wither in mind or body. Lawyers must not accept impunity in any shape or form either against themselves or their client.

The National Christian Elders' Forum (NCEF) of which I am Chairman, has tried to get an Attorney-General of one or two States to challenge the Federal Government of the Federation at the Supreme Court level on Nigeria's membership of the OIC and other constitutional transgressions but they would not because, strictly speaking, all major political parties are owned or sponsored by Sharia proponents who do not believe in Democracy and only see election (that they would rig) as a means to power principally to make the Legislature irrelevant in addition to cowing the Judiciary. There is presently propaganda of popular support for the incumbent President including the news that Christian youths have adopted the President. This is being sponsored by a Christian who, some years back, had said that if the prize was right, he was prepared to convert to Islam.

Lawyers who completely control one arm of Government - the Judiciary and one half of the Legislature and Executive have leadership entrusted to them. The other professions together, control one-third. Dominance in number should mean, for us lawyers, dominance in substance. That is why we all have to work very hard so that Nigeria does not fail.

We, lawyers, are not helping matters democratically in Nigeria, when we fail to appreciate the fact **that institutional progress of Nigerians lies in the hands of the profession of the Bar - lawyers who are trained to conduct the practical adaptation of law and philosophy.** Most lawyers in Nigeria presently, have failed as agents for popular advocacy and exposition and, in the process, elevated quackery to the level of the Supreme Court where a Justice trained in Sharia only sits with others who are trained in Common Law to demonstrate supremacy of Islam. Nigeria will fail when the legal profession fails. Lawyers must emphasize the fact that no matter the inconvenience of popular democratic government, the inconveniences of Sharia is immeasurably greater and we have allowed popular control to slip from the people to a few, now called godfathers in their attempt to turn Nigeria into a Caliphate. It is a calamity that Nigeria is experimenting with the competing ideologies of Democracy and Sharia.

It is pertinent to point out that two ideologies are being practiced in Zamfara State since the Governor returned to Sharia Criminal Law. Sharia movement has not transformed public life especially in cities, has not improved security and the living condition in Zamfara and, other Sharia states, and more importantly, international investors have not found conditions attractive in the manufacturing industries of the Sharia states leading to the decline of state infrastructures and services. Must Nigeria continue with this experiment? My answer is no.

There is very little in what is contained in this presentation, which many lawyers including those in government do not know. The difficulty however is that when lawyers are in government as Attorney-Generals, etc. notwithstanding the constitutional power granted to the office under Section 150 for independent action of A. G., most of them prefer to join in the propagation of Sharia because they cannot beat them (sharialists) and therefore they are forced by circumstances to promote and

support anti-constitutional legislations in furtherance of Sharia. If the Attorney-General refuses to act, there are usually always two or more lawyers available in the cabinet to give legal opinion to the Governor to suit the Governor's ideological preference for Sharia contrary to the Constitution and the oath of office that both the Governor and the Attorney-General swore to.

Solution: Constitution and Law

The 1999 Constitution, with all its imperfections, has all it takes to move Nigeria out of poverty to promote unity and prosperity for all.

Chapter II of the 1999 Constitution Fundamental Objectives and Directive Principles of State Policy has everything to promote human development and wealth, but it is at the same time contrary to some of the tenets of Sharia especially the supremacy of Islam and Human Rights. Chapter IV of the same Constitution on Fundamental Rights contains all that Nigeria needs to promote peace and security necessary for development and progress. Sharia is opposed to Chapter IV because Islam provides that all rights belong to Allah and human beings are to comply and obey. **As a result over 60% of our oil wealth since it was discovered in Oloibiri in 1958, has been spent directly and indirectly on jihad and "counter jihads" (Boko Haram, Fulani herdsmen and Military rule).** Half-hearted war expeditions by the military means that Islamists in government are on both sides of the insurgency with the objective of waging a jihad against non-Islamist Nigerians. This, no doubt, means a jihad without end. Boko Haram is embarking on conventional jihad while the Islamists ensured that the military embark on stealth jihad, all against non-Islamist Nigerians.

The AGF as Leader of the Bar

When the CV of the incumbent Attorney-General of the Federation, Alhaji Abubakar Malami, SAN showed him more as Sharia trained than common law trained, I wrote to brother SANs drawing attention to the fact that his credentials weighed heavily in favor of Sharia. His activities after his appointment compelled me, once more, to send a memorandum titled **Memo to AGF from a Brother Silk** on November 4, 2017. In the said memo which can be accessed at website: www.csmnigeria.org, with the heading **Truth, Peace and Reconciliation**. I delved into the historical perspective of Nigeria with respect to Edo, Fulani, Education, North and South, the legal profession, Katsina College, personal relation between Awwal Yadudu and I, and my relationship with him

Malami SAN, colonial Nigeria and colonial Sudan in Nigeria. I also dwelt on Hassan al-Turabi one time AG of Sudan, racial arrogance, Lugard and the Emirs, fanaticism in Islam. The object was to suggest to the AGF that Nigeria is not Sudan and the two races of Negros and Negroids that the black race will be proud of and concluded thus: "Military men and women in the past, present and the future love power. The problem is how best to manage this vice. To make matters worse, we have monarchs in the country and this also adds to the confusion. It is for us lawyers to **provide a balance** – it is not right to detain a citizen without trial even when the courts have granted the suspect bail. We have thousands of retired Military men and women and are recruiting thousands of militias posing further threat to states that have no Military or Police Forces of their own. Is the Federal Government planning an invasion? If so, against whom and what for? This is particularly worrisome when it has been established that there existed a jihad by the Fanatics against other Nigerians even before independence and after. These are issues that we, lawyers, are best suited to solve without violence. Or do we go our separate ways as said by Ango Abdullahi?

Lawyers are both philosophers and jurists Robert H. Jackson who served as the chief prosecutor for the United States on the Nazi War Criminals trial wrote: "one of my deepest convictions is that **so far as the institutional progress of a people is concerned, its salvation lies in the hands of the profession of the Bar**. The history of the profession, in relation to the development of the United States, proves that point. If one goes back to the days of the making of the Constitution in 1787, he finds that great document largely the fruit of the **thought and the patriotism of the lawyers of that day**. From that time down to this, all our forward steps in the remodelling of our institutions or in devising new ones have first been the thoughts of **wise, sagacious and thoughtful lawyers**, and they have been promulgated largely through the advocacy and explanations of lawyers.

Taine once said that the virtue of France in the history of the development of civilization was not that France generated every great idea upon which the advancement of man depended, but that it was an indisputable truth that every great idea, wherever generated, had to pass through France to be generalized for the use of mankind.

In like manner, applying this to lawyers may well be that **great contribution to the institutional and Constitutional development of our country have been**

initiated in the minds of philosophers, but certainly the practical adaptation of them and the adoption of them into the practices of the country have been brought about by using the body of the Bar as the agency for popular advocacy and exposition.” Lawyers in Nigeria can do the same, not only for their country but for all Africa. I therefore, call for dialogue among Lawyers in the country for reconciliation. Our learning in Law and experiences, over the years, will help us to separate completely the two conflicting ideologies of Liberal Democracy and Sharia that postulate the future of mankind and also rely heavily on the past especially race and religion. One is convinced that all Nigerians (male and female) love creativity rather than destruction. To do nothing, is to allow ISIS to continue. Islamism is not an option for one Nigeria, one People and one Ideology for the Common Good.

Solomon Asemota, SAN, Benin City, November 4, 2017

The document was copied to the following personalities (1) The President, Nigeria Bar Association; (1) The Chairman, Body of Senior Advocates; (2) The Chief Justice of the Federation; (3) The Chief Judge, Edo State Judiciary; (4) The Oba of Benin Kingdom; (5) The President, Christian Association of Nigeria; (7) Members of the NCEF; and (8) The President, Catholic Bishops' Conference”

Needless to say that I never received an acknowledgement from the AGF, who is leader of the Bar. No wonder the supremacy of Sharia found its way into President Buhari's speech. I had hoped that some of us senior lawyers with Yadudu and Christian Elders could begin a conversation concerning Democracy and Sharia even though they seem incompatible. The attitude of the AGF to brother Silk shows in practical terms the way Nigeria is divided on ideological lines and why most Muslim lawyers in Nigeria are on the side of Sharia. It is this conflict that is responsible, I submit, for Nigeria's inability to meet the expectations of the Black peoples of the world.

Conclusion

My lords, the solution is simple – respect for the Constitution and laws passed by the National Assembly. It is the responsibility of lawyers in a civilized Nigeria to ensure that this goal is achieved. Nigeria is civilized notwithstanding Boko Haram – (Western education is a sacrilege) and Fulani herdsmen that are being foisted on Nigeria by the proponents of Sharia through jihad in their quest for naked power, finance from the Niger Delta as reward for supremacy of Islam and Sharia.

Lawyers wanted the Chief Justice of Nigeria to defend the independence of the Judiciary on the spot after the opening speech of President Buhari with the contention that the three arms of government are equal. In theory, it is practicable, but with respect to present day Nigeria with an all-powerful Executive and the Judiciary that is not protected even by lawyers especially and a President who is the promoter and defender of Sharia and who had promised to promote Sharia – isha Allah this would not be possible. I submit that the CJN is right not to raise the issue at the ceremony in that it is the duty of us lawyers to protect and defend the profession and the Judiciary. The Attorney-General of the Federation must have drafted the President's speech and as the first line of defence of the Judiciary failed the profession. It will be expecting too much to want an Islamist or Sharia proponent to defend the separation of power and the rule of law, and this shows that the Nigerian Bar Association has much to do in the promotion of Common Law Bar.

For the new wigs, please be reminded that you cannot now claim ignorance of the jihad in Nigeria and in the conflict between Democracy and Sharia. As lawyers, we must, for our survival, demand justice in our country outside the courts because it is from the overflow of justice in the land that we can obtain justice in our courts. The President is the symbol of justice. By this, I mean Common Law Justice applicable in the Western world. Lawyers must call him to order in the attempt to promote Sharia Justice. Our founding fathers agreed on Democracy not Sharia. The future of Nigeria is in the hands of lawyers. The legal profession must not fail so that Nigeria will not fail.

Thank you my Lord for this opportunity.

God bless Nigeria.

This paper can be accessed at website: www.csmnigeria.org from October 1, 2018