

THE ROLE OF LAW IN ECONOMIC DEVELOPMENT AND NATIONAL SECURITY

**A KEYNOTE ADDRESS PRESENTED BY DELE ADESINA SAN FCI.Arb
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INTRODUCTION

Every new day is an extra privilege to an Individual, an Association or a Nation. Each new day we are opportuned to see is a fresh start and a new opportunity. It is an opportunity to correct whatever mistake we have made. According to Pastor Femi Emmanuel,

“Today is a reality, tomorrow is a probability, yesterday has gone. What you truly have is today. What are the mistakes we have made? What are the opportunities we have lost? What is that thing we did not do well? Are there people we offended recently that we must reconcile with? Is there a particular decision we must make, be it major or minor? Today is the day to act. We must not wait till tomorrow. The anticipated tomorrow may be too late. The scripture says today is the day of salvation.”²

To us as Individuals, an Association or a Nation, I want to say on a note of optimism that God would never have given us today if our destiny as a people, or our destiny as an Association or as a Nation was concluded yesterday. God has not finished with us yet. We must however learn from the mistakes of the past, so we do not repeat them today. We must dream new dreams for ourselves, our Association and for our Nation. Again, in the words of Pastor Femi Emmanuel, we must knock new doors and explore new opportunities. We must see today as a privilege of extra time which those already dead never had. Therefore, we must maximize today.

However, the greatest challenge of our times is that we see today as one of those days that will come and go and therefore, we do not take sufficient advantage of today. As a nation, today some people refer to us as a dangerously permissive society. They justify this by saying that all the institutions of State that is the Legislature, the Judiciary, the Police, the Media, civil societies, as well as the

¹ Dele Adesina is a Senior Advocate of Nigeria, Past General Secretary of Nigerian Bar Association. A life member of the distinguished Body of Benchers and Principal Counsel in the Chambers of Dele Adesina LP. He is also the Pro Chancellor, and Chairman Governing Council, Ekiti State University, Ado-Ekiti.

² Pastor Femi Emmanuel, *Daily Devotional Guide*, [March 2016 ed.] P. 3

political parties are weak, therefore impunity is in the hands of everyone both those in power and out of power.³ Others say Nigeria is a lawless nation, that in a lawless nation, everything is legal. Law and order appear to have taken a flight. Security of lives and property which is the primary responsibility of Government is constantly and continually threatened. It thus appears that law no longer rules. In a paper titled, **Towards the Rescue of a Nation on the Brink of Collapse; Necessity for a New Generation of Thinkers**, Bishop David Oyedepo (the presiding Bishop of Living Faith Church) said in 2012:

“While it is true that we have great challenges with such issues as corruption, economic distress and institutional collapse in most sectors of the nation, the greatest threat to the survival of the Nigerian nation is the issue of insecurity, which seems to have defied all logical approach and reasoning of those in power who are supposed to be on top of it. Until we solve the security problems, we may not solve the economic problems because security of lives directly affects our economic security, stability and growth”⁴

The theme of this year’s law week: ***The Role of Law in Economic Development and National Security*** is not only appropriate, topical and contemporary, but it aligns with the strategic thinking formula proposed by Bishop David Oyedepo in his paper cited above about the need to take up intellectual arms in order to reposition our nation into the civilized path of legality, constitutionalism, economic advancement and prosperity of all in the hope that our thoughts will translate into our actions and bring about a definite change from lawlessness to law and order, from economic stagnation to economic progress and advancement and from the present ravaging insecurity to security of lives and properties, absolute peace and tranquillity.

DEFINITION OF LAW

Before considering the indispensable role of law in economic advancement and national security, it is significant to define the word law if only for purpose of reminding ourselves.

³ Olisa Agbakoba SAN Past President Nigerian Bar Association on Channels Programme: *SERIOUS SPEAKING* [May 6th 2018]

⁴ An address delivered by Dr David Oyedepo at the 7th Convocation ceremony of Covenant University on Friday June 29th 2012.

Professor Sheriffdeen A. Tella of Olabisi Onabanjo University, Ogun state, Nigeria in his Paper **Moving Nigeria from Recession to Prosperity: The Trajectory of the Nigerian Laws** had this to say.

“Rules and regulations rule the world. Hence, everything, everyone, every subject matter and every matter in a subject has attachment to law. Thus, we talk about the laws of nature e.g. Mendel’s Law of segregation, the law of Karma, the laws of natural science e.g. law of gravity, the laws of economic science e.g. laws of demand and supply, the laws of a country e.g. the Constitution and the laws guiding individual conduct within the society... The relationship between the law and economic development is a central concern in the modern society. This is because the law has always been instrumental as a tool for social change. Many contemporary developmental economists assign an important role to legal institutions as a result of the shift to market-oriented economic policies which require support from strong legal institutions.

The role of law in promoting economic development cannot be overlooked as most of our lives and interactions with others are regulated by law. A sound economy invariably leads to growth and is the best way to combat endemic poverty in a developing country such as Nigeria. To ensure a sound economy, the legal institutions and regime must be sound, providing a platform for entrepreneurs and businesses to stand out which would consequently lead to the creation of jobs and alleviation of poverty.”⁵

The Black’s Law Dictionary 9th Edition defines law as *“the aggregate of legislation, judicial precedence and accepted legal principles, the body of authoritative grounds of judicial and administrative action, especially the body of rules, standards and principles that the court of a particular jurisdiction apply in deciding controversies brought before them”*.⁶ All these can be encapsulated into what is called the law of the land.

John Austin defines law as

“a rule laid down for the guidance of an intelligent being by an intelligent being having power over him. In other words, a body of rules fixed and enforced by a sovereign political authority”.⁷

The Marxist theory defines law as

⁵ A Paper presented at the 12th Annual B.O Benson SAN’s Lecture organized by the NBA Ikorodu Branch [April 10th 2010]

⁶ The Black’s Law Dictionary [9th ed.] P. 962

⁷ John Austin in his book “Province of Jurisprudence Determined” [1832]

“a tool of oppression used by the capitalist to control the proletariat”⁸.

It is arguable if the law per-se can be a tool of oppression but most definitely the application of the law can be a tool of oppression depending on so many factors including the action of the operators of the law.

In the words of **Thomas Hobbes** an English Philosopher, law is

“the formal glue that holds fundamentally disorganised society together”.⁹

This definition presupposes that you cannot hold people together by force or by intimidation. Only laws agreed to and acceptable by all, objectively enforced without partiality, arbitrariness or absolutism can hold an otherwise disorganised society together. It is the law properly applied and enforced effectively and efficiently that can make the non-conformist in the society to conform. The maintenance of law and order which epitomises the rule of law presupposes the absence of rule of force, anarchy and rule of man. The supremacy of law in any society particularly a society practicing constitutional democracy such as ours is non-negotiable. The truth is that rule of law has been described as an issue of life and death.¹⁰ Today, it is the barometer for measuring whether a nation is civilised or uncivilised.

I believe that **Glanville Williams’** definition provided a better appreciation of what the role of the law in the society is when he said,

“Law is the cement of the society and also an essential medium of change. Knowledge of law increases one’s understanding of public affairs. Its study promotes accuracy of expression, facility in arguments and skill in interpreting the written word as well as some understanding of social values”.¹¹

THE ECONOMY

Permit me to recall this story which Pastor Chris Okotie of the Household of God Fellowship told the congregation sometime in 2002,

“It is the story of a certain man in an unnamed town who went to bed at night and while he slept, robbers broke into his home and carted away some of his belongings. When he woke up in the morning, the man went

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⁹ Thomas Hobbes in his polemic work “The Leviathan” [1651]

¹⁰ Professor Akanki s(Former Dean, Faculty of Law, University of Lagos)

¹¹ Glavin Williams in his book, “Learning the Law”

straight to the palace as the ruler of the town and asked to have back his stolen properties saying, “when you came asking for my support to become the ruler of this town you promised that you would watch over me and guarantee the safety of my life and property, that was why I went to sleep thinking that you would be there watching over me”, said the man to the ruler.”

The above story eloquently illustrates the fundamental principle of governance that,

*“the primary responsibility of government is to guarantee the security of lives and properties of its citizens”.*¹²

From this story, the man has lost his properties, he has experienced a failed expectation because the ruler has failed to protect the man’s property through the instrumentality of the law. This story appears to be our daily experience today.

The states as well as the Federal Government debt stock as at 31st December 2017 reflected that our foreign and domestic debts stood at 18.9billion dollars and 3.35 trillion naira respectively. The total debt of the Federal Government accounted for 78.23% of the total foreign debt while all the states added together with the Federal Capital Territory accounted for 21.77%.¹³Nigeria is a nation under the weight of both foreign and local debt and we still continue to borrow. Some may argue that there is nothing bad in borrowing, but my bible tells me that a borrower is a slave to the lender. In any event, it has been argued by many that the state of the nation’s infrastructure does not justify the heavy debt burden.

One of the busiest roads in this country today is Lagos/Ibadan expressway. It was in such a very terrible state of disrepair for many years until about 2012. Rehabilitation and/or reconstruction which started at about 2012 is yet to be completed in 2018 due to lack of proper funding. Many other roads are daily crying for rehabilitation or reconstruction, the good ones are daily destroyed by heavy trucks because of lack of rail transportation. The population of heavy trucks on these roads today almost equal in number to the population of cars.¹⁴ Ninety-nine percent (99%) of the goods that are daily transported by these heavy trucks in a more planned economy will be transported through an efficient railway system.

¹²See S14 (2)(b) of the Constitution of Federal Republic of Nigeria (as amended). Constitution of Federal Republic of Nigeria [1999] (as amended)

¹³ Reported by Business Day on Sunday Newspaper Vol 1. No.216,[May 5th 2018]

¹⁴ <http://www.thisdaylive.com/index.php/2016/07/26/the-role-of-law-reform-in-economic-development>.

FOREIGN DIRECT INVESTMENT

No Nation can exist in isolation. Foreign direct investment in Nigeria has drastically reduced from what it once was. According to reports, Foreign Direct Investment (FDI) into Nigeria in the 3rd quarter of 2017 increased by 798.35 million US dollars. Between 2007 and the second quarter of 2012, foreign direct investment on the average was 1,317,000,000,000 (One Billion Three Hundred and Seventeen Million US Dollars). The nation experienced an all-time high foreign direct investment in the first quarter of 2012 in the sum of 3,084,000,000 (Three Billion and Eighty-Four Million US Dollars) and an all-time low in the fourth quarter of 2015 when it recorded 501.83 million US dollars.¹⁵ Statistically, we have not even been able to record half of direct foreign investment we experienced in 2012, the question is why?

In the course of preparing this paper, I had a discussion with a business man who told me among other things that the percentage of country risk in Nigeria is very high. That Nigeria is not only one of the five countries classified as terrorist nations of the world, but Nigeria is on the World Terrorists List with two organisations namely the Boko Haram and ISIS terrorist West Africa. That if the current situation of unrestrained killings by the herdsmen continues, Nigeria may wake up to see herself on the World Terrorist List with three terrorist organisations and that, this may spell doom for the economy.

He said further that only *“high risk, high return believers”* can bring money into Nigeria. For example, ordinarily, dollars can be borrowed at 6% interest per annum. That the country’s risk percentage is not less than 10% while arrangement fee, management fee and other documentation expenses may attract additional 3% interest which will effectively bring the cost of borrowing to about 19%. According to him, it will be suicidal for any business man to try that. When asked about local borrowing from the Nigerian banks, he said that was the days of old. He stated that today Nigerian banks do little or no lending and when they do at all it is at 24% – 26% interest per annum. He concluded by saying that there is no way a business man can borrow at this percentage and break through not to talk of making profit.

You and I know that thriving economic activities are driven by private entrepreneurs while government provides suitable and conducive atmosphere, infrastructural facilities and security for businesses to thrive. The President of the United States of America, Donald Trump said recently on that New York is a city

¹⁵ <http://tradingeconomics.com/Nigeria/foreigndirectinvestment>.

of private entrepreneurs. The question is how many thriving and successful entrepreneurs can we count today in Nigeria?

BANKING AND THE ECONOMY

Recently, a total of about five banks were said to have declared over ₦900,000,000,000 (Nine Hundred Billion Naira) profits after tax for last year. One wonders how was this possible with the background well known knowledge that Nigerian banks have almost abdicated their primary roles of granting loans to run and stimulate the economy. This is what the Chief Executive Officer of one Growth and Development Company Limited said regarding this,

“It is a contradiction for social infrastructure to collapse, middle class to remain emasculated while the financial sector profits are approaching one trillion in the country.”¹⁶

The financial expert seemed to have highlighted the failure of banks in Nigeria when he said,

“a financial institution must be able to deliver strong social impact creating wealth and transforming society. The financial institutions must be able to provide unique financial solutions which will strengthen and expound the middle class. Noting that Nigeria was generally punching below its weight, he said that there is substantial collapse of social infrastructure and as a result the middle class is very thin and continues to get thinner”.¹⁷

There is an imperative need I believe for the Central Bank of Nigeria using its regulatory powers under the law to put in place necessary policies to rejuvenate the banking sector, empower the banks so that they will once again be able to play their traditional role more creditably in the economy. Such policies may include but not limited to further re-consolidation exercise like it was done by the CBN under Professor Chukwuma Soludo in 2005.

I believe the time has also come for the nation to revisit the operations of the Asset Management Corporation of Nigeria (AMCON) with a view to making the organisation more responsive to injecting life into debt ridden companies so as to re-establish them back into the economy. In this connection, the law must make

¹⁶ Growth and development Ltd. CEO Mr Kola Ayeye accessed by sabinews.com/weareheretostrengthenandexpandthemiddleclass [May 10th 2018]

¹⁷Mr Kola Ayeye, formerly of Asset Management Company of Nigeria (AMCON) now CEO of Growth and Development Company Limited.

adequate financial provisions through the CBN to AMCON in order to enhance its capacity and capability to achieve its objective of efficiently and positively resolving the non performing loan assets of banks in Nigeria.

Another point which I believe has direct relationship on the economy is the new habits of the banks criminalising an otherwise civil contractual obligations. What do I mean? In recent times, banks are found of petitioning debtor-customers to EFCC or SFU of the Police for inability and/or failure to pay their debts as a result of business failure or whatever. I do not think this can advance the interest of the economy. After all, most of these loans if not all are fully collateralised. This is not to suggest that if a customer who has obtained bank facility for a specific business interest for instance, chooses to divert the loan for purposes other than for which it was granted, that he cannot be penalised NO. But where there are proven evidence of business failure which leads to the inability of the customer to repay the loan as at when due, the banks ought to resort to civil action for recovery. Perhaps, I should also add that this was the very essence of establishing AMCON.

UNEMPLOYMENT AND UNDEREMPLOYMENT

In the course of preparing this paper, I stumbled on the information released by the National Bureau of Statistics that a total of 7.956million Nigerians became unemployed between January 2016 and September 30, 2017. That the number of Nigerians that became unemployed between 2015 and 2017 rose from 8.36 million in 2016 in the first quarter to 15.998 million in the third quarter of 2017.¹⁸

Similarly, statistics show a steady rise in the rate of underemployment in the country according to the National Bureau of Statistics report. The number of underemployment in the labour force (those working but doing menial jobs not commensurate with their qualifications or those not engaged in full time work and are merely working for few hours) increased from about 7% to 21%. I am afraid to say that this massive unemployment and underemployment of otherwise competent, employable, virile and dynamic youth is a gun powder waiting to explode in Nigeria.

It is however gratifying to note the new zeal of the Federal Government under the Npower programme. It is a programme if properly funded and executed with the required commitment can reduce the rate of underemployment in Nigeria. However, I venture to say that the solution to the high rate of unemployment and underemployment in Nigeria is in rejuvenating the private sector which is presently comatose for several reasons including but not limited to cost of power generation and high exchange rate.

¹⁸ See unemployment Report Survey issued by the National Bureau of Statistics dated December 22nd, 2017

The president of African Development Bank, Dr. Akinwunmi Adesina said recently that

“the African continent lost a total of 72 billion dollars between 2012 and this year with Nigeria, South Africa, Egypt and Algeria accounting for most of the drop in value added through industrial production. This loss of industrial production value was responsible for massive unemployment in the continent.”¹⁹

Noting that industrial value added dropped sharply by 41% in Nigeria. Commenting on this report, the editorial comments of Monday May 28, 2018 of the Nigerian Tribune had this to say

“that being the case, the conclusion is that successive administrations have not only failed to provide an enabling environment for industrialisation to thrive but have also compounded the woes of the sector...to be sure a fact remains a vibrant manufacturing sector is sine qua non to national development. The editorial concluded by saying that the country can only develop if it boast of a vibrant manufacturing sector.”

NATIONAL SECURITY

In recent times, Nigeria has been treated continuously and continually to a very heavy dose of security breaches particularly, in the North East and North Central parts of the country. For a good measure hear this as captured by some national dailies,

“Death toll in Benue Killings hits 71”²⁰, “Three die, six injured in fresh Taraba Attack”²¹, Robbers shoot man in front of bank²², “Viral Video shows SARS men tortured, stripped naked²³ Bribe, Police Arrest detain 5 SARS operatives in Lagos”²⁴ “Police arrest herdsmen with AK-47 rifles says 16 people killed in Benue state”²⁵

“The indigenous TIV people of Kadarko in Nassarawa State have reportedly fled 25 villages over attacks by herdsmen”²⁶, “Killer herdsmen;

¹⁹ Dr Akinwunmi Adesina’s Keynote Address at the opening ceremony of the 2018 Annual Meeting of the AFDB in South Korea on May 23, 2018

²⁰ See Punch Newspaper January 9th, 2018, p.4

²¹ See Punch newspaper of January 9th 2018 p.9

²² See punch newspaper February 8th, 2018 p.5

²³ See Punch Newspaper March 22nd, 2018 p.4

²⁴ See Punch Newspaper April 11th, 2018 p.6

²⁵ See Punch Newspaper March 12th, 2018 p.7

²⁶ See Punch Newspaper 5th February 2018 pp. 2&18

Benue buries 26, 25 Killed in Kogi state”²⁷“Herdsman attacks; Protest in Plateau, 30 killed in Taraba, Benue”²⁸“Herdsman destroy UNILORIN multi-million-naira research farm”²⁹“Bandits kill 45 including women and children in Kaduna”³⁰“We may shut National Assembly to help Buhari end killings”³¹“Armed Robbers Attack Five banks; 30 people killed including 9 policemen April 5, 2018.”³²“Outrage as gunmen kill 13 more in Benue village”,(according to The Nations newspaper) “On Tuesday, 19 people including 2 priest were killed in two attacks in Ukor, Mbalon, Gwer local government area” “Buhari, Trump at White House: killings must end”³³“Senseless killings must stop says General Abubakar former Head of state of Nigeria.”³⁴ “Gunmen in Bayelsa attack Air Force helipad, kill airman.”³⁵

These horrendous and mind bugging reports as captured by some national dailies are in addition to high degree crimes like arms proliferation, rape, corruption, kidnapping, drug trafficking and money laundering. It is on record that a serving Attorney-General of the Federation and Minister of Justice in this country was once murdered right in his residence.³⁶ Barrister Barnabas and Amaka Igwe, husband and wife were murdered on the streets of Onitsha in September 2002. Chief Funsho Williams a leading politician in Lagos was murdered in July 2006 in his residence. I am not aware if any of the criminals in these cases were ever caught or prosecuted. And this is the departing line between Nigeria and other nations. It is not that crimes are not committed in the United States of America or Britain, the truth is that they are, but unlike Nigeria, painstaking and thorough investigations take place, criminals get arrested and prosecuted and, in most cases, convicted to serve as deterrence.

Indeed, the Offa Bank Robbery incident where not less than 30 people were killed in cold blood has been described by Mr Onah Akhomu a security expert as a terrorist attack. In his opinion,

“it will be foolhardy to regard what happened as a mere armed robbery attack. Armed robbers when they attack banks go straight for their target

²⁷See Punch Newspaper March 16th, 2018 page 18

²⁸See Punch Newspaper April 13, page 2

²⁹See Punch Newspaper February 13. Page 13

³⁰The Nation newspaper May 7th, 2018 pages 1 & 6

³¹See Punch Newspaper April 18th, 2018 Page 2

³²See Punch Newspaper April 5, 2018

³³ Punch Newspaper [April 18 P.2]

³⁴ The Nation’s Newspaper [April 26,2018] p. 1

³⁵ The Nation’s Newspaper [May 1,2018] p.1

³⁶ Chief Bola Ige SAN murdered in December 2001

which was to cart away money. That in the pursuit of that target, they may have cause to shoot one or two people who interrupt them in the course of the attack. However, a situation where a gang of people under the cloak of armed robbery will first go to a police station, attack the officers of the station and kill 9 of them before going for the robbery operation is more of a terrorist act than an armed robbery³⁷

Commenting about the security situation in the country recently, Bishop Matthew Kukah noted in a Channels Television program titled Hard Copy that

“at the bane of Farmers/Herdsman clashes is the question of legal ownership of land. He lamented that the nation’s security system is so skewed that it lacks the capacity to manage the diversity of this country.”³⁸

Another Security expert, Mr Aliyu Umar, a retired army captain had this to say on Channels Television on 26th of April 2018 ***“security in Nigeria has been politicized, ethnized and regionalized.”***³⁹

These dangerous and fearful trend of insecurity in the country is a very present and veritable danger to steady economic advancement, a serious disincentive to foreign investors and a calculated negative image for the country before the outside world. This has also moved notable leaders to call on people to embark on self-defence. While the highly respected Army General, Gen. Theophilus Danjuma a former Minister of Defence in this country called the people of Taraba state to defend themselves with the serious allegation that the military was in collusion with the attackers, Mr Samuel Ortom the Governor of Benue state also openly called for self-defence by his citizens. On his part, Mr Darius Ishaku the Governor of Taraba state openly declared that he has lost confidence in the Nigeria security system. These are weighty and dangerous signals. Our nation must wake up and commence a practical and pragmatic process of rebuilding and revamping the security architecture of this country. The time is today. Tomorrow may be too late.

In April this year, the United State Department of State⁴⁰ says

“visitors should be vigilant at public gatherings and locations frequented by foreigners.”

The statement went further to say that visitors should exercise extreme caution throughout their stay in the country due to the threat of indiscriminate violence. It

³⁷ Mr Onah Okhomu Esq on Channels Television. 10pm News [12th April 2018]

³⁸ Bishop Matthew kukah on Channels Television titled Hard copy hosted by Mope Yusuf on Channels Television [13th April 2018]

³⁹ Channels Television Sunrise Programme [April 26th 2018]

⁴⁰ <https://www.independent.co.uk/news/world/worldsmostdangerouscountries>

further listed the five most dangerous countries in the world as Columbia, Yemen, El Salvador, Pakistan and Nigeria⁴¹

In deciding whether to invest in a country, some pertinent factors are usually considered:

1. Corruption
2. Rule of law
3. Business Environment
4. Social and political Risk

Quare! Which of these four elemental forces can be said to be favourable to Nigeria and good enough to attract both local and foreign investors? It does not require any argument that corruption is widely acknowledged as the cankerworm that has eaten deep into the fabric of our society. Rule of law is obeyed in the breach. Court orders and judgments are disobeyed with impunity. The independence of the judiciary is at risk. All these are necessary components of the rule of law. In terms of business environment, the above horrendous stories tell it all. Social and political risks do not speak favourably for us either, having been classified a terrorist nation.

WHAT IS THE ROLE OF LAW IN ALL THESE?

Professor Sherifdeen A. Tella of Olabisi Onabanjo University, Ogun state in a paper which I referred to earlier said,

“the problem with the Nigerian legal regime for economic development is multi-faceted and this problem is most exemplified by the archaic laws, the multiplicity of laws and regulations, conflicting overlaps in the administrative and institutional structures, the absence of laws in critical areas and a weak enforcement mechanism.”⁴²

For me, the greatest of these problems is lack of effective and efficient system of enforcement of our laws and this is very fundamental. That is why criminals who commit all forms and manners of crime can get away without being detected. It is also the reason why investigation of crime in Nigeria is lacklustre, inefficient and largely unproductive. This is also caused by several factors including but not limited to the monolithic police structure, underfunding, lack of operational equipments and insufficient manpower. I will come back to this later. Next to this is the total lack of strong institutions to drive and sustain our democracy. Our institutions are weak. It has been said over and over again that Nigeria and Africa

⁴¹ <https://www.independent.co.uk/news/worldsmostdangerouscountries>

⁴²ibid

in general clamour for strong men instead of strong institutions, forgetting that a weak and inefficient institution will weaken and cripple the strong man. I therefore agree with Senator Udoma Udo-Udoma the present Minister of Federal Republic of Nigeria for Budget, while commenting on the floor of the Senate on the issue of third term during the presidency of Chief Olusegun Obasanjo that, “*men are powerless to secure the future, institutions alone fix the destiny of nations*”.⁴³

A critical examination, of our legal institutions beginning with the Constitution, Judiciary, Legislature, Police, Prisons and the Federal Road Safety Corps to mention just a few are weak institutions compared with the institutions of other nations. Those that have the capacity for strength such as the Judiciary and the Legislature are daily knowingly and unknowingly weakened through all acts of subterfuge, blackmail and negative publicity. Let us now look at how we can use the instrumentality of the law to change the present state of affairs for better in order to translate our nation from a potentially great nation to a great nation in real terms.

I stated earlier in this paper that to ensure a sound economy, the legal institutions must be sound, providing the platform for entrepreneurs and business men and women to practically implement their business initiatives with hope and confidence of making profit. I believe we as a nation have what many have called grave constitutional and structural problems which I also regard as foundational and existential in nature.

1999 CONSTITUTION AND TRUE FEDERALISM

As lawyers we know fully well that the Constitution of the Federal Republic of Nigeria 1999 (as amended) is not only the fundamental law of the land and the mother of all laws, but it is also the supreme law of the land.⁴⁴ The constitution professes to be a federal constitution⁴⁵, but is it really a federal constitution? For me, there are two critical problems with the 1999 constitution and the structure of governance in Nigeria both of which have adverse impact on our economy and national security.

Firstly, the 1999 Constitution says it is what it is not. As important as this document is in determining the structure of governance, one would have expected it to be near perfect and to as much as possible capture the wishes and aspirations of the Nigerian people. The Constitution in its form has been variously described

⁴³ A former Senator and Chief whip of the Senate between 2003 and 2007

⁴⁴ See Section 1(3) of the Constitution

⁴⁵ See Section 2(2) of the Constitution

as a “**fraud.**”⁴⁶ As a “**Document which tells lie against itself**”⁴⁷ Prof Ben Nwabueze SAN described it as an

“illogical document in the sense that it is a unitary constitution operating in a federal system of government”.⁴⁸

It is no longer arguable that the constitution is more of a unitary constitution than federal both in theory and in practice. There is little doubt that the federating states have become mere appendages of the central government.

In the celebrated case of AG Lagos state V. AG Fed & Ors⁴⁹ Hon Justice Uwais CJN (as he then was) said

“by the doctrine of federalism which Nigeria has adopted by virtue of section 2(2) of the 1999 constitution, the autonomy of each government which presupposes its separate existence and its independence from the control of the other government including the federal government is essential to federal arrangement. Therefore, each government exist not as an appendage of another government but as an autonomous entity in the sense of being able to exercise its own will in the conduct of its affairs, free from direction by another government”⁵⁰. At page 194 of the report, His Lordship added the following imperative words ***“it is a non controversial political philosophy of federalism that the federal government does not exercise supervisory authority over the state government”***

Secondly, the coercive powers of the state i.e the Police, Department of State Security (DSS), Independent Corrupt Practices and other related Offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC), and the Nigerian Civil Defence and Security Corps (NCDSC) are all concentrated at the centre and in “custody” of the federal government. Furthermore, the judiciary is a near unitary institution. The constitution provides only for the high courts of the state with no provision for the Court of Appeal or the Supreme Court of the state⁵¹. As for the Police Force, the constitution expressly established a monolithic police system with a compelling provision that there shall be no other police force in the federation.⁵²

⁴⁶ See professor Itse Sagah SAN at the NBA Ikeja Branch workshop on the 1999 Constitution

⁴⁷ Chief F.R.A. Williams SAN at the NBA Ikeja Branch workshop on the 1999 Constitution

⁴⁸ Prof Nwabueze San in “Federalism in Nigeria Under The Presidential System”

⁴⁹ (2003) 12 NWLR Prt 833 pg 1

⁵⁰ @page 120 of the report

⁵¹ See Chapter VII The judicature of the Constitution

⁵² See Section 214 of the Constitution

In a paper delivered at the investiture ceremony of Rotary Club of Ikeja in 2013 titled “**State Police: The Inconvenient Truth**” I said, permit me to quote myself,

*“It is my contention that any argument against the establishment of state police in Nigeria having regards to the myriad of security challenges, the structure, the systemic and practical inadequacies of the present monolithic police system is nothing but a convenient untruth. That establishment of state police is an inevitability and a sine-qua-non today in Nigeria is the truth no matter how inconvenient”*⁵³

Chief Obafemi Awolowo once emphasised the divergent nature of the people and tribes of Nigeria when he said,

*“it is a great mistake to designate the ethnic people of Nigeria as mere tribes. Each of them is a nation with many tribes and clans. There is as much difference between them as there is between Germans, English, Russians and Turks for instance. The fact that they have a common overlord does not destroy this fundamental difference”*⁵⁴

See also the paper titled **Re-establishing Nigeria Constitutional Architecture for National Cohesion through the Rule of Law**⁵⁵ on the principles and fundamentals of true federalism which I submit that Nigeria as presently structured is lacking. I submit further that this incongruous structure is the bane of our economic backwardness and myriads of security challenges we face today as a nation. Until we take the bull by the horn and give to ourselves in the true sense of those words a federal and functional constitution, there can be no conclusive answer to our security problems neither can we have a meaningful and progressive economic advancement.

The second arm of my argument is that even the provisions of the constitution as they presently exist do not appear to command respect and obedience by all. People tend to choose what they will obey or disobey. No system works like that. A system of government founded on a constitutional democracy such as ours must have absolute respect for constitutionalism and rule of law. The provisions of the constitution must be obeyed and as stated above the powers of each organ as donated to it by the Constitution must be respected.

Finally, on this point, a perusal of the reports of the **National Political Reform Conference of 2005**⁵⁶ and the **National Constitutional Conference of 2014**⁵⁷ will

⁵³ Dele Adesina SAN on 27 October 2013

⁵⁴ Chief Obafemi Awolowo in the book ‘The Path to Nigerian Freedom’

⁵⁵ A paper presented by Dele Adesina SAN at the NBA Benin Law week on April 18 2012

⁵⁶ See page 86-90 [2005] National Political Reform Conference Report

reveal that the reports of the two conferences made copious recommendations for substantial devolution of powers from the centre to the federating units. Specifically, the following items were recommended to be deleted from the Exclusive Legislative List by the National Constitutional Conference of 2014;

Census⁵⁸, Copyright⁵⁹, Police⁶⁰, Public holidays⁶¹, Railways⁶², Registration of business names⁶³, Trade and Commerce between states⁶⁴

JUDICIARY AND THE ECONOMY

In treating the theme of this conference, a conspicuous attention must be devoted to the judiciary for many reasons. First, it is the institution that interprets and applies the law. Second, the system of justice administration and its efficacy is a paramount consideration for any investor either local or international. Third the trust and confidence that the people have in the judicial system have a direct impact on obedience to the orders and judgement of the courts. Finally, the efficacy of the concept of the rule of law is a direct product of the efficacy of the judicial system in particular and administration of justice in general. Let me therefore touch briefly on some of the key elements confronting our judiciary.

Delay and congestion in our courts are the major challenges of administration of justice in Nigeria. Most recently however, allegations of corruption leading to overwhelming negative publicity and the perception of the judiciary as corrupt have tried to stigmatise the judiciary and its officers. I have argued both on television as well as at public fora of this nature that delay and congestion in our court are the direct product of the structure of the judiciary as created by the Nigerian Constitution. Yes, in some restricted cases attitude may have contributed, but primarily, delay and congestion in our courts is a systemic problem. Consequently, I have argued in favour of a truly federalised judicial system like they have in the United States of America where we have imported the system of presidential democracy regrettably without importing the principles and the culture that make the system work in America.

⁵⁷ Page 435-440 of the National Constitutional Conference Report of 2014.

⁵⁸ Item 8, P.437

⁵⁹ Item 9, P. 437

⁶⁰ P. 439

⁶¹ P.439

⁶² Item 45, P. 440

⁶³ Item 62e, P.440

⁶⁴ Item 55, P. 440

Strategic provisions were also made in the report of the 2014 Constitutional Conference that if implemented will turn the judiciary and administration of justice around for the better. For instance, there was a recommendation to separate the office of the Attorney-General from the office of the Minister/Commissioner of Justice⁶⁵, increase in retirement age of all judges of records to 70 years, abolition of requirement of locus standi in public interest litigation⁶⁶, creation of constitutional courts and anti-corruption courts⁶⁷, and very significantly, the creation of states Court of Appeal for every state of the Federation with the recommendation that the state Court of Appeal shall be a terminal Court for state on state matters and that appeal shall lie to the Supreme Court in state matters involving weighty constitutional issues, civil liberties and matters of overriding public interest.⁶⁸

CORRUPTION IN THE JUDICIARY

In the past, judges were seen as Caesar's wife living above board. According to Chief Wole Olanipekun SAN (Past President NBA) in his paper titled **The Judex-Holding Justice in Trust for the Creator**

“it was very unusual in the past, in fact a taboo to accuse a judge of corruption. In a research done some years ago in respect of British judges, it was found out that whereas the judiciary of Britain is several centuries old, only one allegation of corruption was made against a judge and same was proven to be frivolous when investigated. Today, we live in the unimaginable situation of the National Judicial Council (NJC) applying the big stick of dismissing some of our judges, suspending some and admonishing others for proven case of corruption”⁶⁹

The general perception today is that the judiciary in Nigeria is corrupt. Whether those who have this perception can prove it or not is another thing. Prof. Yemi Osinbajo SAN once said,

“a reputation for corruption is ordinarily enough to discredit a judge. Reputation is all that counts, in other words it is what people think, their perception but not necessarily what they can prove that determine the credibility of the judiciary.”⁷⁰

⁶⁵ P. 504-526 of the Report

⁶⁶ Item 3, P. 505

⁶⁷ P. 505

⁶⁸ P.505-506

⁶⁹ Para. 2.8

⁷⁰ See Professor Yemi Osinbajo SAN in his paper titled “The Rule of Law: The foundations are shaking” [P.2-4]

Regrettably, some of us have joined the crowd in the generalisation theory that the Nigerian judiciary is corrupt. For me, that some individual judges are corrupt is not a defence to say that all Nigerian judges are corrupt. The generalisation is unacceptable and we must all reject it. We must creatively craft out ways and means, practical and pragmatic policies to vigorously deal with this stigmatisation and effect a change of positive perception for the Nation's judiciary.

ENHANCING ADMINISTRATION OF JUSTICE; SOME PROPOSALS

There is hardly any business man/investor who is planning to invest in a country that will not be concerned about how long or short a time it will take him to resolve a commercial dispute. The time has come when both the Bar and the Bench must change their attitude in order to reduce the incidence of delay in our courts. Towards this end, I take the liberty as an itinerant legal practitioner to make the following propositions;

1. Strict application of Rules of Procedure in our Courts. A good number of the Rules in the various state's High Court today followed after the 2004 Lagos State Civil Procedure Rules which has as its overriding objectives; *“the elimination of unjustifiable expense and delay and the promotion of efficient and speedy dispensation of justice”*.

The judges are intended and must now begin to play practically and pragmatically their role like the restless referees on the football pitch running from one end of the field to the other asserting his absolute control over the proceedings on the field, showing yellow cards and red cards when necessary. Frivolous applications for adjournments must be rejected continually, and where granted at all, the applicant must be punished through the payment of cost. The principle guiding award of cost is no longer that cost is not meant to be punitive. Those were the days of old. Nowadays the principles to be observed in awarding cost is that of indemnity and adequate compensation for time, effort and expenses incurred by the party who is in the right.⁷¹

2. There is an imperative need to put an end to media trial particularly in criminal causes. It is trite that the freedom of the press must be guaranteed and protected. I concede that the media have the right to make fair comments on matters of public interest subject of course to the law of libel and contempt of court. The golden rule of practise is that the media must not make any comment which would tend to prejudice a fair trial. Newspapers should not publish comments or articles which *“prejudged the issue in a*

⁷¹ Order 49 rule 1 High Court Civil Procedure Rules Lagos State

pending proceeding".⁷² Quoting Lord Reid in the celebrated case of Thalidomide, the author of this article stated I quote

“what I think is regarded as most objectionable is that a newspaper or television program should seek to persuade the public by discussing the issues and evidence in a case before the court, whether civil or criminal, that one side is right and the other is wrong”⁷³.

The former executive chairman of the Economic and Financial Crimes Commission (EFCC) Chief Mrs Farida Waziri also had this to say on the point.

“Anything that undermines public confidence in the judiciary is inimical to the judicial process the media should be wary of this, trials by the media of criminal matters prejudices the mind of the populace and make them hold the court in contempt and dishonour them when it ultimately reaches a conflicting or different verdict. More often than not, allegation of compromise and corruption are made against the judge. This is very unhealthy for the development of our legal system and judicial process.”⁷⁴

Our presiding Judges and Justices must re-dedicate themselves to uphold the honour of the court and prevent undue interference with the administration of justice. To this end, their power to punish for contempt either in the face of the court or outside the face of the court must now be maximally utilised. I recall the dictum of Justice Idigbe JSC in *Atake v AGF & Anor*⁷⁵ which defined contempt as,

“any conduct which tends to bring into disrespect, scorn or disrepute the authority and administration of the law or which tends to interfere with and/or prejudice litigants and/or their witnesses in the cause of their litigation is punishable.” See also *Awogbokun v Adeyemi*⁷⁶.

Today in Nigeria, everybody both learned and unlearned including stark illiterates freely discuss and render opinions on matters that are pending

⁷² [https:// www.vanguardngr.com/2017/04/Justice-ademola-media-trial-court-trial](https://www.vanguardngr.com/2017/04/Justice-ademola-media-trial-court-trial)

⁷³ *ibid*

⁷⁴ www.nigerianlawguru.com, the impact of media trial on the constitutional presumption of innocence. A paper by Hon. Justice Akhiero quoting Farida Waziri at the NBA lawyers in the media forum at the 2009 Annual NBA Conference

⁷⁵ (1972) 11SC P.175

⁷⁶ (1968) NWLR P. 289

before the court and when the decision of the court goes contrary to the opinion expressed in the public space, the judge to them, has taken bribe. This has to stop if we want our courts to be respected and its decisions obeyed.

3. It is a common knowledge that 50% of the cases which go to Court of Appeal and the Supreme Court are based on challenge of jurisdiction of the courts of first instance. There is absolutely nothing new to canvass on the issue of jurisdiction in any of the courts in this country. There are more than enough authorities. There are cases where the issue of jurisdiction was raised in the court of first instance, appeal against the ruling was fought up to the Supreme Court for about fourteen years before the matter was eventually remitted to the court of first instance to start *denovo*.

I propose an amendment to the various State High Courts' Establishment laws to make a provision for transfer of cases that are wrongly instituted at the State High Court instead of the Federal High Court with or without argument. I take inspiration from a similar provision in the Federal High Court Act which state inter-alia

“that no cause or matter shall be struck out by the court merely on the ground that such cause or matter was taken in the court instead of the high court of a state or of the Federal Capital Territory, Abuja ... and the judge of the court before whom such cause or matter is brought may cause such cause or matter to be transferred to the appropriate High Court of a state...”⁷⁷

4. It is easy to discover that a very good number of cases before our courts from the High Court to the Supreme Court are challenging the enforcement of one arbitral award or the other in most cases on very flimsy frivolous grounds. Even when the provisions of the Arbitration and Conciliation Act are clear on the binding force of the decisions of arbitral tribunal and the very restrictive and limited grounds under which you can set aside those decisions. Every where in the world, commercial disputes must be settled speedily. Arbitration and other alternative dispute resolution mechanisms provide a safe haven to achieve this objective. Regrettably, this objective has been largely defeated in Nigeria

For instance, there is a case where parties voluntarily agreed to refer their dispute to an arbitral tribunal to be constituted under the Arbitration and

⁷⁷ S22 FHCA Cap F12 LFN 2010

Conciliation Act.⁷⁸ An arbitration took place and was completed in 2006. The losing party challenged the arbitral award at the Federal High Court and lost, and appealed to the Court of Appeal which appeal is still pending in 2018. So, over 12 years after an arbitral award was rendered, an appeal against the arbitral award is still pending at the Court of Appeal. Doubtlessly, an appeal to the Supreme Court is waiting for whatever maybe the decision of the Court of Appeal. How has this advanced the business interest and the economy of the parties concerned and that of the nation? I propose an amendment to the Arbitration and Conciliation Act to make it obligatory that whosoever challenges an award rendered by an arbitration tribunal must first deposit the arbitral award into an interest yielding account while awaiting the outcome of the appeal. After all, it is a fundamental principle of law that a judgment creditor is entitled to the fruit of its judgment. The incorporation of this into our law of arbitration or possibly through a practice direction by the Chief Justice of Nigeria will substantially reduce the cases that are filed in this area of the law.

5. I propose a total federalisation of our judicial system. If the federating states can have their own executives and legislatures, I suggest that the States are entitled to have a full complement of the state judiciary to be made up of the High Court, the Court of Appeal and the Supreme Court to take charge of all matters that are on the concurrent list and the residual list while only matters of exclusive nature shall go through the Federal Courts terminating at the Federal Supreme Court. I heard it on good information that Western Region used to have the Western Region Court of Appeal.

The judiciary as an institution is indispensable. The task of re-building the institution is great. The responsibility is enormous, and the duty is very imperative because in the words of Dr Reuben Abati, Nigeria is a country where

“we destroy, persecute and humiliate our best talents for nothing other than political reasons. Therefore, the judiciary must find its voice and stand up in the defence of the law and the rights of persons. In a country where noise is more important than reason, where allegations are packaged as truth and villains behave like victims, the judiciary should always seek to remain the voice of reason, truth, justice equity and good conscience”⁷⁹.

⁷⁸ CAP A18 LFN 2004

⁷⁹ Rueben Abati ibid

THE POLICE FORCE

For the sake of time and space, I am not going to be bothered in this paper to canvass advantages or disadvantages of decentralisation of the Nigerian Police force, I have done that in a couple of past deliveries⁸⁰

Certain issues are clear and beyond disputation:

1. That ours is a federal system of government, hence **S2(2)** of the constitution states, *“Nigeria shall be a federation consisting of states and a federal capital territory.”*
2. That there is a monolithic and centralised police structure in Nigeria.
3. That by virtue of the provisions of **S215 (2)** the Nigerian Police Force is under the command of the Inspector General of Police and any contingent of the Nigeria Police force in any state is though under the command of the Commissioner of police but nevertheless subject to the overriding authority of the Inspector-General of Police.
4. That the Nigerian police force is understaffed, underequipped, and underfunded to the extent that states have now taken up a self-imposed responsibility to provide for the needs of the contingents of the police force stationed in their respective states.
5. That the Nigerian police force lacks the capacity to effectively police Nigeria and maintain law and order.
6. That virtually in all parts of Nigeria today, you either see a joint police-military operation or a full fledged military operation. For instance **Operation Mesa** is a joint police military operation nationwide to ensure security of lives and property. It is in evidence that the military has had to place its men and equipment at the disposal of all state governments to support internal security operations under the umbrella of **Operation Mesa**. The aim of this deployment is to assure a secured environment that would allow citizens to go about their activities without let or hindrance, thus providing a conducive environment for economic activities⁸¹.

The big question is, is this the function of the Nigerian Armed forces? My answer is ordinarily no, because the Nigerian armed Forces are

⁸⁰ The paper titled Insecurity in Nigeria: THE NEED FOR OR OTHERWISE STATE POLICE, delivered on 15th May 2013 at the 8th Annual NBA LAW WEEK in OWERRI, STATE POLICE: THE INCONVIENENT TRUTH, A paper delivered on 27th October 2013 to Rotary club, Ikeja, Lagos.

⁸¹ See Metro watch:Counter Insurgence and role of Nigerian Army in creating conducive environment for Nigeria’s economic development. <https://metrowatch: Counter Insurgence and role of Nigerian Army in creating conducive environment for Nigeria’s economic development>

“charged with the defence of Nigeria by land, sea and air although such other duties as the national assembly may from time to time prescribe by an act of the National Assembly...”⁸².

The duty of the armed forces has been interpreted to mean the defence of internal security and protect against external aggression as distinct from the duty to maintain law and order. The primary responsibility of the police on the other hand is

“the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations...”⁸³

If you do not witness a joint action of the police and the army, you will be seeing the joint action between the police and the Nigeria Security Civil Defence Service Corps. Previously, the Nigeria Security Civil Defence Corps was not permitted to carry arms, today they do so to compliment the shortfall of the Police force. In addition to all this, you witness one military operation or the other virtually in all parts of Nigeria, generally aimed at combating the acts of insecurity and criminalities. This includes but not limited to **OPERATION BOYONA** which was charged to restore law and order in the North East in 2013 following the declaration of a state of emergency in Borno, Yobe and Adamawa states. **OPERATION LAFIADOLE** was set up to counter terrorism and insurgency in the North East.

OPERATION PYTHON DANCE 1&2 in the South East was designed to carry out activities such as anti-kidnapping, patrols, raids, condone and search, checkpoints, road block and show of force against criminals.⁸⁴ It is a multi-agency in nature and execution as the Police, Civil Defence Corps, Department of State Security Service and Federal Road Safety Commission collaborate to ensure overall success in checking the rate of crimes in the South East.

OPERATION CROCODILE SMILE was put in place in the South-South to deal with criminals engaged in the vandalization of oil pipes. **OPERATION TSARE TEKU** was launched in Warri, Delta state in December 2014 to check piracy in the Delta region. **OPERATION SAFE HAVEN** stationed in Plateau state with areas of operation extending to Benue, Kogi, Nassarawa and Kwara states was set up to

⁸² Section 1(3) Armed Forces Act.

⁸³ Section 4 Police Act CAP P19 LFN 2010

⁸⁴ ibid

quell ethno-religious conflicts and other criminal activities. It was established in 2010 as a special task force following ethno-religious conflict in Plateau state.⁸⁵

Mention must be made of **OPERATION DELTA SAVE** set up to combat security challenges in the Niger Delta, especially to protect critical national assets and to provide security generally in the Niger Delta.⁸⁶ Its mandate specifically is to protect oil and gas infrastructures, deter and prevent sea robbery, crude oil theft and other criminalities that could impact negatively on economic activities in Nigeria⁸⁷ among others.

The above demonstrates beyond any doubt that the monolithic police structure we have today in Nigeria is no longer in a position to maintain law and order or protect life and property. Even if proper funding is in place accompanied with good incentives for the personnel, if remuneration is enhanced and they stop collecting tolls from drivers and car owners, if modern equipments accompanied with training and re-training on the job are made available, it is my submission notwithstanding that the monolithic structure of the Nigerian police as presently constituted cannot deliver the expectations of the diverse people of Nigeria as it is antithetical to the principle of federalism.

Permit me to quote the opinion of a security expert on this matter

“for our police to become efficient, we need to function efficiently as it is done everywhere in the world where you have a federal system. It is a norm all over the world and anywhere you have a federal system that you always have a police system at every level of the federation. Now to say that the federal police will be better law enforcement agent for instance in my community in Ekiti-State than a police that is resident there, has its legal source from a local legislation and staffed by people of that state to police the community of that state is false.”⁸⁸

The summary of it all is that a monolithic and centralised police structure can never be the best form of policing a huge and expansive nation with multi-cultural, multi-ethnic and highly diverse nation like Nigeria. Within the entity called Nigeria today, it is said that there are not less than 250 nationalities made up of peoples of distinct ancestry, tribes, languages, cultures, norms, believes, and traditions. In other nations of the world where federalism is practised such as the United State of America, Australia, Canada, India, Argentina and Ethiopia to

⁸⁵ ibid

⁸⁶ ibid

⁸⁷ ibid

⁸⁸ Dr Kayode Fayemi, former Governor of Ekiti state in a paper presented on the issue of State police on the Platform Program of 20th November 2012

mention a few. The police exist at the local level, the state level as well as the federal. They work at different levels and complement each other. We can only continue to postpone the establishment of a state /community police at our individual and collective detriment.

CONCLUSION

Distinguished ladies and gentlemen, the efficacy of a country's justice system has a direct bearing on the economic fortune of that country. Prof Bolaji Owasanoye in his article titled *Review of laws for social and economic development in Nigeria* said,

“a sound economy is the surest engine of growth and the shortest route to tackling the challenges posed by endemic poverty in developing countries .Going by the example of well developed nations, sound economic fundamentals contribute to social development which in turn strengthens political stability and good governance. To ensure a sound economy, the legal regime must be equally sound and provide an assuring platform for entrepreneurs and businesses that can create job towards alleviating or at least significantly diminishing poverty. The role of law in promoting economic development cannot be underscored because most of our lives and interaction with each other are regulated by law”⁸⁹

The conclusion of all matters is that we as a nation need to take the bull by the horn and do that which is right for our country. Impunity is at the bane of our problems and when law is not effectively enforced, when rule of law takes a backseat, when institutions of state are weak, impunity reigns supreme and lawlessness of various degrees take over. The end product of lawlessness according to Pastor Tunde Bakare of Latter Rain Assembly is condemnation and destruction⁹⁰. It is time for all of us to accept responsibility for the greatness of Nigeria by obeying the rule of law in all its ramifications. After all, rule of law is the basis of democracy. In the words of the Supreme Court, the Nigeria Constitution is founded on the rule of Law the primary meaning of which everything must be done according to law. Government should be conducted within the frame-work of recognised rules and principles which restricts discretionary power.⁹¹

As human beings, we have the capacity to transform ourselves by the renewing of our minds. However, we must note that this is an individual responsibility which

⁸⁹ <https://www.vangaurdngr.com/2009/10/reviewoflawsfor socio-economic development in Nigeria>

⁹⁰ Pastor Tunde Bakare's "Moment of Truth. A regular Sunday program of Latter Rain Assembly

⁹¹ See Governor of Lagos state V. Ojukwu (1986) I NWLR Prt 18 Pg 621

we must accept. Righteousness and justice are more acceptable than sacrifice. Righteousness is the only source of enduring greatness and honour. Righteousness exalts a nation. Only transformed people can transform a nation let the process of transformation of ourselves, our beloved association (the Nigerian Bar Association) and the Nation begin today. Like I started, let me conclude by saying that our tomorrow lies in our today.

Thank you and God bless.

Dele Adesina SAN FCI.Arb

Principal Counsel

Dele Adesina LP

109 Opebi Road, Ikeja Lagos

E-mail: deleadesina86@yahoo.ca

Telephone: +234 803 302 9055