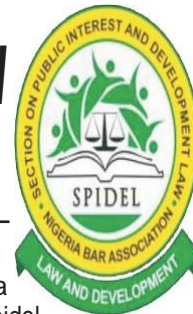


# SECTION ON PUBLIC INTEREST AND DEVELOPMENT LAW

## NIGERIA BAR ASSOCIATION

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The Supreme Court of Nigeria has in plethora of cases long decided and it is now trite law that local governments in Nigeria can only be managed/governed by democratically elected persons. The Supreme Court has long declared as unconstitutional the contraptions called Caretaker Committees or Interim Committees at the Local Government in States. We humbly refer Your Excellency to the following Supreme Court cases, for guidance:

1. **Eze v. Gov., Abia State (2013) All FWLR (Pt. 791) pg. 1399 @1416, paras B-C, ratio 3.**
2. **Gov. Ekiti State vs. Olubunmo (2017) All FWLR (Pt. 873) page 1592**
3. **A.G. Plateau State v. Goyei (2007) 16 NWLR (Pt. 1059) page 57 @ 94 paras A-B.**
4. **A.G. Benue State vs. Umar (2008) 1 NWLR (Pt. 1068) pg. 311 @ 363B-F.**

Your Excellency sir, we trust that as a respectable Senior Advocate of Nigeria, a much-liked past President of the Nigerian Bar Association, whose motto is “Promoting The Rule of Law” and who at your assumption of office swore to the oath of office to **“discharge your duties to the best of your ability, faithfully and in accordance with the constitution of the Federal Republic of Nigeria and the law.....that you will not allow your personal interest to influence your official conduct or official decisions; and that you will to the best of your ability preserve, protect and defend the constitution of the Federal Republic of Nigeria.....that you will do right to all manner of people, according to law, without fear or favour, affection or ill-will”**, that it is incumbent upon you, sir, to uphold the sacred provisions of the Constitution of the Federal Republic of Nigeria and respect for the decisions of the Supreme Court of Nigeria.

The provisions of the Rules of Professional Ethics, 2023 requires every lawyer to ensure respect for the law and not to do anything that will undermine the sanctity of the decisions of Courts of law. We trust, sir, that the position of the Constitution and the decisions of the Supreme Court on this issue, which are now in rem, are well known to you.

Furthermore sir, as a past president of the Nigerian Bar Association, you are a mentor to a large number of lawyers. The Bar looks up to you for guidance not only in words, but also in actions. Your Excellency sir, permit us to refer to your admonition to lawyers made in 2019, at the Law Week of the Ibadan Branch of the Nigerian Bar Association. On that day, you urged members of the Nigerian Bar Association to always be courageous and speak up on time in defence of the rule of law and to all times rise up against all forms of abuses and injustices in the society so that Nigeria would be a better place for all. You further admonished **“that lawyers being privileged set of humans, have the onerous and arduous task of protecting the sanctity of humanity, therefore, the NBA could not afford to either be silent in the face of intimidation.”**

Again sir, in your congratulatory message to the present leadership of the NBA on the 18<sup>th</sup> day of July, 2022, you stated **“I congratulate Mr. Yakubu Chonoko Maikyau, SAN. The NBA over the years, has continued to safeguard human rights and promote the rule of law. We owe it as a duty not to lose sight of this onerous responsibility. As a former president of the Bar, I am aware that the people will always look up to the Bar to speak on their behalf. The Bar has an active role to play in the socio-economic development of the country. We can’t afford to let the people down. As lawyers, it is important to always prosecute your convictions with courage and to be the voice of the people. When you speak, you do so with authority.”**

Therefore sir, and in accordance with your admonitions hitherto given, we urged you most humbly to reconsider desecrating the law of the land and uglify your legacies.

NBA-SPIDEL is convinced sir, that your action is an unequivocal denouncement of the rule of law; and not exactly exemplary to other governors who may now place reliance on your action as justification to further desecrate the Constitution.

NBA-SPIDEL, states that by the extant provisions of the Rules of Professional Conduct, 2023, it is a mandatory duty of legal practitioners whose primary duty is to ensure respect for the rule of law and violation of any of the provisions of the RPC, is a professional misconduct which makes such a person liable to be prosecuted before the Legal Practitioners’ Disciplinary Committee for acts amounting to professional misconduct or conduct unbecoming of a legal practitioner.

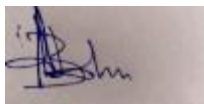
Sir, as a learned Senior Advocate who has “achieved distinction in the legal profession”; a past president of the Nigerian Bar Association of which we are only a section, we believe that there is absolutely nothing to tell you about the law or professional ethics. So, it is very safe to assume that you understand all we have said or trying to say.

Consequent upon the foregoing, NBA-SPIDEL kindly urges you to use your good office to recall the purported list of appointees and cancel the appointments in deference to the rule of law. We also urge that in furtherance of the sanctity of the provisions of Section 7(1) of the Constitution, that you take steps to commence preparations for the conduct of Local Government elections that will enable the people to elect their own leaders at the Local Government Level.

Your Excellency sir, we commend to you the words of Christopher Alexandra Sapara Williams, the 1<sup>st</sup> indigenous Nigerian Lawyer who said that “the legal practitioner lives for the direction of his people and the advancement of the cause of his country.” Sir, history beckons on you now to show direction and advance the cause of democratic governance at the local government level in Nigeria.

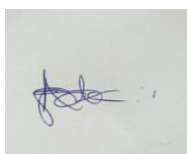
Your Excellency, while we hopefully look forward to your ensuring compliance with the afore-cited constitutional provisions and respect for the decisions of the Supreme Court of Nigeria, please do accept our regards and kind assurances. We also sir, wish you quick recovery.

**Respectfully,**



John Aikpokpo-Martins

Chairman.



Funmi Adeogun

Secretary.

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*John Aikpokpo-Martins - Chairman Dr. Princess Frank-Chukwuani - Vice Chairman Funmi Adeogun - Secretary*

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