

**MEMO TO THE PRESIDENT OF NBA 2022-2024**

**From: CLEMENT UGO CHUKWUEMEKA 2<sup>nd</sup> VICE PRESIDENT**

**To: YAKUBU CHONOKO MAIKYAU SAN, OON,  
PRESIDENT OF THE NIGERIAN BAR ASSOCIATION**

**SUBJECT: NOTICE OF CONTINUED BREACH OF NBA CONSTITUTION,  
URGENT NEED TO RETRACE STEPS AND/OR RESIGN.**

**DATE: 17<sup>TH</sup> DAY OF MAY, 2024.**

**1. PREFACE:**

May I include my humble self as one of those favoured by the divine grace of God to assist you maintain the indelible standard left behind by numerous past National officers of the Nigerian Bar Association (NBA). You and I, and other National Officers swore to an oath not to allow our personal interest to influence any official decision and to stand in **ALL** circumstances to defend the ethics of the profession, the rule of law and the independence of the bar, we also swore to an oath to bear true allegiance to the Nigerian Bar Association and to discharge our duties faithfully and in accordance with the NBA constitution, and **ALWAYS** in the best interest, integrity and well-being of NBA and as contained in the 4<sup>th</sup> schedule of the NBA constitution as amended on the 28<sup>th</sup> day of October, 2021 at the Port Harcourt Annual General meeting (AGM).

**2. REFLECTIONS:**

Sir, there were numerous Bar men that were far more qualified than you, but the then ECNBA refused to look at the direction of the constitutional provision of mandatory NEC membership attendance or micro zoning, and hence, paved way for you to pilot the affairs of this noble association. I recall that at your inaugural statement/speech you kept the entire Bar and your esteemed guest for over two hours with a lengthy litany of your life history

and what you intend to archive with your team (National Officers) as the 31st President of the Bar.

As the Bible Scholar you claim to be Sir, let me draw your attention to the teachings of Apostle Paul in **1 Corinthians 12 vs 7-31**, which is hereafter reproduced verbatim.: ***(But the manifestation of the Spirit is given to each one for the profit of all: 8. for to one is given the word of wisdom through the Spirit, to another the word of knowledge through the same Spirit, 9. to another faith by the same Spirit, to another gifts of healings by the same Spirit, 10. to another the working of miracles, to another prophecy, to another discerning of spirits, to another different kinds of tongues, to another the interpretation of tongues. 11. But one and the same Spirit works all these things, distributing to each one individually as He wills. 12. For as the body is one and has many members, but all the members of that one body, being many, are one body, so also is Christ. 14. For in fact the body is not one member but many. 15. If the foot should say, "Because I am not a hand, I am not of the body," is it therefore not of the body? 16. And if the ear should say, "Because I am not an eye, I am not of the body," is it therefore not of the body? 17. If the whole body were an eye, where would be the hearing? If the whole were hearing, where would be the smelling? 18. But now God has set the members, each one of them, in the body just as He pleased. 19. And if they were all one member, where would the body be? 20. But now indeed there are many members, yet one body. 21. And the eye cannot say to the hand, "I have no need of you"; nor again the head to the feet, "I have no need of you." 22. No, much rather, those members of the body which seem to be weaker are necessary. 25. that there should be no schism in the body, but that the members should have the same care for one another. 26. And if one member suffers, all the members suffer with it; or if one member is honored, all the members rejoice with it. 27. Now you are the body of Christ, and members' individually. 28. And God has appointed these in the church: first apostles, second***

*prophets, third teachers, after that miracles, then gifts of healings, helps, administrations, varieties of tongues.*

### 3. OUR CORE ROLE:

The constitution of NBA found the above scripture so apt, hence the election of other National Officers without any iota of joint ticket-ship at the Election that brought us in. In that scripture Paul was teaching thus: The manifestation of the Spirit is given to each one for the profit of all. This is likened to the position given to us by the NBA Constitution with different responsibilities yet with one purpose and for benefit of all lawyers in Nigeria.

The drafters of the NBA Constitution liken the spiritual gifting in the above Bible verses to the Bar system, encouraging us to work together with our various portfolios complimenting each other. If the office of **the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Vice Presidents** and other national officers as presently constituted were not important to the Bar, such offices would not have been created by the Association in the first place. The teaching of Apostle Paul made us to understand using a body analogy: ***A professional athlete constantly desires to hone the ability of their arms, or legs, or fingers. That is good and not something to be ashamed of. The same athlete, however, still knows that there is importance and value in those other less visible body parts like other national officers. They realise that extraordinary accomplishment by the arms and legs requires support and care for those other members of the body.*** Sir drawing inspiration from the above analogy, you will agree with me that, past Presidents of NBA achieved harmony and progress by not usurping the offices of other National officers but rather giving them full support and encouragement in carrying out their constitutional duties, without hijacking same or sending proxies to take their responsibilities like you have consistently done despite the resistance by the National officers.

Sir, the goodwill you hitherto enjoyed has long evaporated and your self-doubting attributes now causes you to feel so insecure and would rather not have other National Officer especially the Vice Presidents to be seen or heard especially the 2<sup>nd</sup> Vice President as your staunch critique of some of your malnourished policies, a vice you should love if really you are a child of God as you always proclaimed in different fora which I verily believed before now. If you were created in God's image, you must act and behave like God that created you and not feel threatened of other National Officers as well as looking down on them.

#### 4. THE AGM REFLECTION AND BREACHES:

Sir, you will recall the incidence of the last Pre NEC and AGM meetings, where I requested the NEC and AGM to protect the responsibilities of the office of 2<sup>nd</sup> Vice President as hijacked/paralysed by you and reiterated same at the inconclusive EXCO meeting that took place thereafter seeing as you deliberately took and handed over my responsibilities to your appointed aides on branch affairs thereby breaching **section 9(5)(c) (ii)(iii)** of NBA constitution as amended which explicitly provides thus: The 2<sup>nd</sup> Vice President...

*(ii) shall be responsible for the coordination of the activities of the group of branches as may be assigned to him/her by the National Executive Council or the National Executive Committee or the President and shall pay periodic visit as necessary and/or required to the Branches so assigned to him/her and shall make periodic report to the National Executive Council or the National Executive Committee on such visits;*

*(iii) Shall encourage and supervise the formation of new Branches within his/her zone supervisory jurisdiction in line with the guidelines of the Constitution.*

At that inconclusive Exco meeting held after the AGM, the National officers agreed including your humble self to work

together in line with the tenets of the constitution of NBA hence you promised to put the entire National officers in the know of the activities as well as your time table for the NBA.

While many National officers believed that you will not keep to your promise, I believed and had faith that you shall keep to your words. I was proven wrong when you deliberately and publicly manifested Executive attributes in your portfolio, heralding lawlessness towards other National Officers by doing only what pleases you without any engagement if any with the National officers especially the 2<sup>nd</sup> Vice President office.

Sir, under your watch, Branches were created and Caretaker Committees set up for same without any regard nor recourse to the Vice Presidents in charge of same regions, you single handily did same without any recourse to your assistants and which action you carried out to take the glory alone, and regardless of a clear violation of **Section 9(5)(c)(ii)(iii) of the NBA constitution 2021** as amended. This you did sir, without any consultation with these constitutional mandates.

I am totally in support of the newly created branches as well as urging incoming leadership for more branches to be created to give the much needed inclusivity and participation of our members without traveling far distance to attend branch meetings. But sir, despite congratulating the new branches so far created, I still believe that whatever that is worth doing as promoters of rule of law are worth doing very well and in clear terms as enshrined in our extant law.

Sir, under your watch, meetings of the National Executive Committee has become a mirage ranging from consistent inconclusiveness' of Exco meeting and frequently flouting the compulsory monthly meetings with impunity hence violating the tenets of **Section 9(6) of the NBA constitution 2015** as amended in 2021, and you consistently and deliberately refused to share any reason or reasons with your National Officers and especially

with the 2<sup>nd</sup> Vice President despite his consistent reminder of same to you via WhatsApp chats at the EXCO Forum.

Adolf Hitler was not authoritarian and fascist when he rose to power; he was a normal person and activist, his autocratic style manifested when he could not take advice from any one. Outside NBA you are a jolly good fellow, but since you assumed this position as the President of NBA, you have muscled your way around it through the Executive tendencies' you have ascribed the name and functions of that office. It will be safe herein to refer you as THE EXECUTIVE PRESIDENT OF NBA going forward.

Sir, do I remind you that, under your watch as the Executive President of NBA, you have consistently embraced **Section 14(3) and (4)** which empowers you to constitute standing committee and Adhoc committees without observing the age long tradition of the Exco/President consultations in constituting same. Same sir, with all due respect you have carried out with your Aids and your preferred National officers without any iota of regard for your fellow National officers, you have utilised the full powers of your office without knowing that success is rather achieved collectively hence the flagrant disregard of other National officers' responsibilities. Indeed you have proven to be a power besmirched leader as you have no iota of regard for any of your National Officers, not even the 3rd Vice President who is the oldest member of the Bar by call in the National Exco nor your predecessors in office and undermined the grundnorm of the Association and have consistently thrived on divide and rule, indeed Power corrupts and absolute power corrupts absolutely. The ethics of the profession has been eroded under your leadership as you have so undermined the National officers and placed them under your aides and few secretariat staff.

I am pretty sure that if the Association as a whole get to know the sum of money that was expended to freight the 2023 AGC bags to Nigeria and the total unbudgeted funds that was utilized, we shall not go unpunished by the hammer of our colleagues whose

mandates we hold in trust hence I shall allow them to read through the financial report of the coming AGM in August, 2024 in making decision on what will befall us.

#### **5. NBA FUNCTIONS:**

Sir, how normal and guiltless do you feel, in your God acclaimed spirit mind, when activities of the Association are read online by your National officers? Are you happy that the National body of the NBA presently constituted is made up of the Publicity Secretary and yourself? It means Sir that you create NBA functions with the Publicity Secretary mostly, and then side-lining other National Officers. The 2<sup>nd</sup> Vice president now is invited to attend NBA functions like every other member of the Association! Mr Executive President Sir, I want to ask you, how do you sleep after all these? Do you feel fulfilled? Or you are just not a respecter of persons?

It is a common knowledge by all bar men that the present administration which you now head, met a very healthy and united NBA. But available statistics shows that we have further divided and polarized the Bar making her very unpopular in the midst of our Colleagues, the Welfare of our members are no more priority to you under your watch. Policies adopted by NEC are yet to be implemented due to a lackadaisical attitude towards implementing decided issues.

#### **6. LACK OF WELFARE AND NON IMPLEMENTATION OF RESOLUTIONS:**

How do we relate to our members that I once visited a lounge as well as boarded a tricycle only to be greeted with "good evening learned senior "and "good day senior "respectively. When I enquired as to why such a learned greeting, I learnt that the young lawyer was a lounge worker as a bouncer while the other one drives the popular keke Napep (tricycle). They did not study law to end up as Bouncers in a night club and/or keke Drivers either. It is because foundational policies for our young lawyers are not taken into consideration. What explanation do we have under our

administration; we could not implement a simple **IGBA BOI** policy and access to finance passed by NEC for the integration of young lawyers into established law firms to learn for just six (6) months while NBA takes charge of their remuneration of a stipend for that period? I learnt that various established firms approached you and were willing to take responsibility of paying the young lawyers the stipulated allowances, giving room to accommodating so many young lawyers as possible. Sir, why haven't these **IGBA BOI** programme taken off, and lawyers drawing from the access to finance Scheme enabled?

My able Executive President Sir, there are over **30** Bible and over **5** Quranic verses that supports NBA to speak and advocate for the interest of the weak in the society. One of such is **Psalm 82 vs 3-4** it says "NBA, defend the weak and the fatherless, uphold the course of the poor and the oppressed. Rescue the weak and the needy: deliver them from the hand of the wicked". Others are: **Deuteronomy 16 vs 20, 27vs19, Psalm 33vs5, 41vs1, 50vs6, 82vs3-4, 89vs14, 106vs3, Proverbs 14vs21, 21vs3, 21vs15, 29vs7, 31vs8-9 Isaiah 56vs1, 58vs6, Jeremah22vs3, Amos 5vs24, Micah 6vs8, Zechariah 7vs9, 2Corinthians 8vs13-15, Galantines 6vs2, 6vs9, Philippians 2vs3-4, Hebrew 13vs16, James1vs27, 2vs26, 1 John3vs17.**

However, in Quran 4vs135, 5v8, 16vs90, 55vs7-9, 4vs135, 4vs58. Which says:

***"At the end of the day, we must remember that everything we do here on earth should be for Allah, so when we fight for justice and protect the oppressed, remember that this is one way of showing our faith and devotion towards Allah"***

## **7. OUR MANDATES AS ADVOCATES AND SECTION 9(3) OF NBA CONSTITUTION 2015 AS AMENDED :**

Sir as the Believer you are, have you been fighting for the oppressed in the society? Have you been holding the government accountable to the ills of the society which has made life so



unbearable to the common man on the street? Have you spoken about the excruciating economy where Nigerians ramble for miles to make ends meet? Sir, why are we leaders of lawyers if we cannot advocate for the citizen and lawyers of this country, Sir under your watch we have failed as leaders and the focal voice of the voiceless! The only Section empowered by the constitution (SPIDEL), which helps in this regard and to our overall benefit, despite our intervention before the NEC meeting at Jos to allow a sleeping dog to lie peacefully, you obstinately went ahead to carry out such an unsupported mission without any Exco support except yourself and suspended the leadership of SPIDEL through NEC, in clear and utter disregard to the National Officers: this is grievous and unpardonable as you have only succeeded in making a mockery of the NBA, the NEC is not to be blamed because they assemblage of our colleagues composed as NEC sees you as the voice of the National officers.

The drafters of our constitution knew there will be a time when lawyers will be the true last hope of a Common man and it is quite unfortunate that such time came during our tenure. In their wisdom, **section 9 sub section 3 of the NBA constitution** was infused to grant us absolute independence from government establishment by extension people in authority so we could actually represent God here on earth by speaking truth to power. Same **section 9 (3) of NBA constitution 2015 as amended in 2021** believes that for every leadership to function properly there should not be any romance with the government, be it state or federal.

Sir, under your administration our events are daily and majorly sponsored by the Government as a norm rather than even an exception. Our National Executive Council Meeting (NEC) in Kebbi state was hosted and financed by Kebbi state Government. Our NEC meeting in Jos was hosted and financed by Plateau state Government, our NEC meeting in Yola was financed by Adamawa state Government. Sir tell me why we should keep the **Section**

**9(3) of NBA constitution** as our law, if under your administration you pride hobnobbing with government in this manner and speaking less your responsibilities as empowered by God to so do. We have only used that Section to hinder our fellow Colleagues who are in our black books from qualifying to render services to the Bar instead of their Principals whom we are daily hobnobbing with.

As the Second Vice President, I have painstakingly cogitated about the happenings and, I have come to the conclusion to request from you to openly jettison other National officers through your usual resolution and take over the management of the Association alone as a sole administrator and chief Executive President of NBA, since you cannot recognize our presence in your decisions, in the event you renege from suspending the entire National officers, I hereby demand that you quietly tender your resignation to pave way for the 1<sup>st</sup> Vice President to pilot the affairs of the Bar more proactively for the remaining days of our tenure as you have failed in all fours as a leader that supposed to accord deserving respect to your fellow National officers rather has proven to be an oppressor and demoralizer. The choice is yours to take.

I say this with every sense of patriotism and loyalty to the Bar and our noble profession which supersedes the autocratic style of leadership you have continued to display and which may be bequeathed in worse form to our successors with a hollow and divided NBA at this rate.

## **8. CONCLUSION:**

My Executive President sir, the Elders cannot keep eating sour grapes and the Children bear the brunt of teeth on edge; now the entire Bar sees us as the worst tenure of the NBA to ever existed, lawyers are murdered, kidnapped and humiliated yet no concrete stand by the Association is seen other than long and belated letter writing skills showcased on each occasion.

Under your watch our Judiciary has turned to inheritance and succession stool, Sir you participated in crying out for their welfare, every day we receive information that they are not well taken care of, yet they are busy recruiting their family members to an institution that is alleged by them not better taken care of! Who is actually deceiving who?

Sir, I have taken out time to notify you of what I feel you have done wrong and I hope it will be assimilated in good faith, Democrats like Nelson Mandela said; those that tell you truth despite all odds are your true friends, Democrats like my humble self will always say that; the man in a man dies, the day he will keep mouth shut in a clear act of tyranny in a society where he resides. Please do the needful as quickly as possible to calm the excruciating agony of lawyers.

Thank you.

**Clement Chukwuemeka.**

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- 1. NBA, National Executive Council (NEC).**
- 2. NBA, Annual General Meeting (AGM).**
- 3. The General Secretary, NBA.**
- 4. NBA, National Executive Committee.**
- 5. NBA, BoT**
- 6. All Lawyers.**