

**HOLDING THEIR FEET TO THE FIRE: BEING THE FULL TEXT OF THE LECTURE DELIVERED BY THE IMMEDIATE PAST PRESIDENT OF THE NIGERIAN BAR ASSOCIATION, MR. OLUMIDE AKPATA, AT THE NUJ MEMORIAL LECTURE IN HONOUR OF SENATOR (ELDER) ANYIM UDE, MON**

---

*Protocols*

Distinguished Ladies and Gentlemen,

1. I consider it an honour to have been called upon to deliver what I hope is the first of many Memorial Lectures organised by the Nigerian Union of Journalists (NUJ) in honour of Senator (Elder) Anyim Ude, MON who passed on to greater glory on Monday 15 May 2023.
2. While it is certainly not in my place to read the profile of, or deliver a eulogy for, Senator (Elder) Anyim Ude, MON at today's event, it would be remiss of me not to mention that Senator Anyim Ude belonged to that exclusive class of Nigerians who lived their lives for the country and who are unfortunately going into extinction at a rapid and alarming rate.
3. As we all know, Senator Anyim Ude left a solid track record of public service spanning over five decades and served Nigeria meritoriously in different capacities. For our present purposes, the most important of the capacities in which Senator Anyim Ude served his fatherland was his role in the media as a veteran journalist and a broadcaster. Senator Anyim Ude holds the exclusive distinction of being the longest serving Chief Executive in Nigeria's public broadcasting industry, after serving for 16½ years as the Chief Executive of several Broadcasting Establishments in Nigeria. Of course, he was also a member of the NUJ.
4. I must therefore begin this address by commending the NUJ, especially the NUJ leadership and the NUJ Memorial Lecture Organising Committee for doing this honour to one of its own. I must also express my gratitude to the NUJ as well as the family of Senator (Elder) Anyim Ude, MON for finding me worthy of delivering this inaugural Memorial Lecture.

5. Speaking of the Anyim Ude family, I think I should make this confession. I have known Nnanna Anyim Ude for a long time and we have remained very close friends. Those who are close to me know that I am such a sucker for intelligent and hardworking people and once I discover you, you become my friend for life. I saw the discipline and dedication and Nnanna's work ethic, and I said to myself, this is a friend to have. On the other hand, I did not know Senator Anyim Ude at close quarters, and I did not make the connection between the Senator and Nnanna until much later. And when I finally did, my reaction was no wonder. Looking back now, it is clear to see that the discipline, dedication and hard work that Nnanna effortlessly exhibits are demonstrative of his upbringing and the lessons he imbibed from Senator Anyim Ude. As the saying goes, an apple does not fall far from the tree. Let me not stop talking about Nnanna before I make Nnenna jealous. Today is about Senator Anyim Ude.

### **The Topic**

6. I was asked to deliver a Lecture on the topic, "Freedom of the Press, Fake News and Rule of Law." The NUJ Memorial Lecture Organising Committee, however, accorded me the license to make necessary adjustments to the topic. At first glance, any curious mind in the room may wonder why a lawyer, or better still, a member of the Nigerian Bar Association (NBA) should be delivering the Memorial Lecture organised by the NUJ in honour of a veteran journalist or broadcaster. We often hear of the need for unity among the various ethnic groups in Nigeria or the need for adherents of the different faiths in Nigeria to live together in unity and harmony. One less talked about but equally crucial relationship that is worthy of continuous cultivation and development in the interest of nation building is the relationship between the Law and the Press. Put differently, there is the need for a cordial working relationship between Lawyers and Journalists. As you will see in the course of this Memorial Lecture, there are several parallels that can be drawn in the relationship between lawyers and journalists.

7. It is for this reason that when I received the invitation to deliver today's Memorial Lecture, I willingly accepted, and it is in this regard that I urge us all to join me as we x-ray that relationship. I have therefore summed up the topic of this Lecture in the following words: **Holding Their Feet To The Fire: The Role Of The Press And The Law In The Development Of Nigeria In A Fake News Era.** In discussing the above topic, I hope you can all understand that the only way I can do justice to the topic is to tell us some home truths today, however unpalatable.

### **Nigeria in Crisis**

"President Tinubu needs to address the nation NOW. Hunger is walking on the streets of Nigeria."

8. The above words which were posted by a young Nigerian on the social microblogging platform, Twitter on Tuesday 18 July 2023 aptly encapsulates the grim situation that is currently pervading Nigeria. Instructively, this publication was made even before the news became public that the pump price of fuel had increased again, this time to N617 per litre.
9. There is one thing with which majority of Nigerians agree, irrespective of their religion and ethnic background - Nigeria has not yet lived up to expectations having regard to its abundant human and natural resources. By all economic indications, Nigeria is still punching way below its weight category.
10. The World Poverty Clock records Nigeria as the country with the highest number of persons (nearly 90 million) living in extreme poverty, an unwanted feat that we attained after overtaking India. Meanwhile the population of India is almost seven times that of Nigeria. The last employment data from the government-run National Bureau of Statistics put Nigeria's unemployment rate at an all-time high of 33.0%, with almost 65% of the country's youth either unemployed or underemployed. These data are dated, and everything points to the fact that the current rate is significantly higher than that.

11. Further, although Nigeria is regarded as the largest economy in Africa, with a gross domestic product (GDP) of around US\$ 500 billion, a closer look at the practical macroeconomic indices reveals that this does not necessarily impact on the bottom-line of the average Nigerian. For instance, Nigeria is not in the top 15 of the highest per capita income in Africa. Further, Nigeria's inflation rate is higher than the average for African and sub-Saharan countries and it is public knowledge that Nigeria's economy has been fluctuating in and out of recession in the past few years.
12. A few years ago, former Minister of State for Education, Chukwuemeka Nwajiuba, was reported to have said that Nigeria has the highest number of Out-of-School Children (over ten million) in sub-Saharan Africa. Another unwanted statistic comes from the United Nations Children's Fund (UNICEF) and it reveals that one in every five of the world's out-of-school children is in Nigeria. UNICEF further claims that even though primary education is officially free and compulsory in Nigeria, about 10.5 million of the country's children aged 5-14 years are not in school; only 61% of 6–11-year-olds regularly attend primary school and only 35.6% of children aged 36-59 months receive early childhood education.
13. Further, Nigeria's infrastructure deficit is so high that it is widely accepted to be one of the biggest factors holding back the country's growth and development. While there have been different projections, not long ago, Boss Mustapha, immediate past Secretary to the Government of the Federation, stated that about \$2.3 trillion is needed to bridge the infrastructure deficit in Nigeria over the next 22 years. This is not forgetting the burden of humongous domestic and foreign debts that Nigeria is currently grappling with. This has also not considered the seemingly intractable issue of insecurity. The foregoing represents only a sneak preview of the many challenges that Nigerians face on a regular basis.
14. All of these point to a fact that is generally known. Nigeria has for long suffered a leadership crisis across all levels of government. An illustrative example that immediately comes to mind is how the government bungled the currency

redesign policy of the Central Bank of Nigeria and unleashed untold and unprecedented hardship on the citizenry. For the media, all of these call for a little introspection. What did the media do? What is the media doing?

### **The Nigerian Bar Association**

15. As many of you here know, I was until about a year ago, the President of the NBA in which role I served as the spokesperson of the Association. Prior to assuming that role, I was worried about what had become of our noble profession and especially the Association that we all grew up to admire. At that time, the NBA had lost its voice as the prime defender of the integrity and independence of the Bar and the judiciary. I therefore promised in my Campaign Manifesto that my administration shall strive diligently and consistently to restore the dignity of the Bar. I pledged that under my watch, the voice or opinion of the Bar must and would be heard or rendered loud and clear on every topical issue, policy, action, etc. of various governments/their agencies and/or on issues of national and global discourse. In other words, I promised to speak truth to power. I will allow you and posterity to be the judge of whether, and to what extent, we achieved this aspect of our campaign promise.
  
16. I said earlier that the relationship between lawyers and journalists is characterised more by similarities than differences. I have, for long, known that lawyers, journalists, and, to an extent, organised labour have a somewhat divine mandate of holding government to account in a way that other professionals do not seem to have. When the government contravenes the Constitution or introduces a policy that lets loose hardship and suffering on the citizenry, or when things generally go wrong in the society, the people do not necessarily expect Medical Doctors or Engineers or indeed other professionals to say or do anything about it. They call on the Press and they call on the NBA. And of course, they expect the Opposition to speak up.

17. The media, both mainstream and especially new media, was awash with the role that the NBA played during the ENDSARS mini revolution that swept across the country in October 2020. Very few people know the pressure I came under as the NBA President to respond to all the various cries for help from people whose family and friends were arrested and/or detained by the various security agencies. I do not believe that the other professionals faced a similar pressure.
18. Before 2020, it appeared that lawyers and the NBA had decided to gag themselves or otherwise constrain themselves from playing this God-given role. Literally every lawyer kept referencing the golden era of Alao Aka Bashorun, a former President of the NBA. Yet no one seemed willing to take the hard decisions needed to ensure that the NBA lived up to expectations. We were content with going cap-in-hand to governments [especially State governments] to organise even statutory events like the National Executive Council meetings. The result of this was that NBA became conflicted and beholden to these State governments.
19. I knew early on in my administration that we had to do things differently if we were to achieve our goals. We therefore spent the two years of our administration trying to rebuild our Association and to restore the NBA to the critical role of an independent watchdog of society. Even if it meant spending our scarce resources and foregoing the donations and government patronage that would have made our work easy. I will use four examples to drive home my point.
20. A few days after I was sworn into office as the 30<sup>th</sup> President of the NBA, we woke up to the news of the reported amendment of the Rules of Professional Conduct by the Honourable Attorney General of the Federation. The purported amendment had far-reaching implications on the workings of the NBA and indeed the administration of justice in Nigeria. It was obvious to the discerning that the widely publicised amendments were targeted at crippling the NBA and to sabotage our efforts to perform our role as a watchdog of government. Perhaps, the manner of my emergence as NBA President and my no-holds

barred approached had sent signals in some quarters that it was not going to be business as usual.

21. Right from when the story broke, our initial approach was to make efforts to resolve the issue with the Attorney General of the Federation, but our efforts did not yield the desired results and we were left with no choice but to approach the courts for a judicial determination of the issue. Anyone who knows how the legal profession works in Nigeria would tell you that the last person you want to get on his bad books is the Attorney General of the Federation. Yet we sued. And we won.
22. On 1 February 2021, the former Inspector General of Police (IGP), Mohammed Adamu attained the maximum 35 years of service. Rather than accept his resignation and replace him, the former President, Muhammadu Buhari controversially announced the extension of the tenure of the former IGP by three months. While the NBA had nothing pecuniary to gain from the retirement or elongation of the IGP, and indeed at a time when it was not fashionable to challenge the former President, the NBA commenced an action before the Federal High Court, Lagos to challenge the tenure extension on grounds that the purported extension was outside and in excess of the provision of the Constitution of the Federal Republic of Nigeria.
23. I am also sure that many of you can recall the ban on Twitter by the Buhari administration on 4 June 2022 simply because the government did not take kindly to the former President being censored by Twitter following his comments on the Biafra agitation. We did not fold our arms or use the opportunity to get on the good books of the government of day. Far from it. On the same night that the Twitter Ban was announced, I issued a statement condemning the ban as an attempt to stifle the free speech guaranteed by the Constitution. We did not stop at that but also filed an action before the Federal High Court, Lagos to challenge the action.

24. My fourth and last example comes from closer home here. Some of you may recall that on 8th March 2022, the Federal High Court, Abuja coram Honourable Justice Inyang Ekwo delivered a judgment in which the court *inter alia* ordered His Excellency, the former Governor of Ebonyi State, Engr. Dave Umahi and his Deputy, Mr. Eric Kelechi Igwe to vacate the offices of Governor and Deputy Governor, respectively on grounds of their defection from the Peoples' Democratic Party to the All-Progressives' Congress. Following the Judgment, Governor Umahi, in the course of a press conference threw caution to the wind and deployed very uncomplimentary adjectives and intemperate language in characterising both the judgment and Hon. Justice Ekwo, including but not limited to describing the Judgment as "jungle justice" and His Lordship as "a hatchet man". As if these were not enough, Engr. Umahi accused the Court of "murdering justice" and declared the judgment of a court of competent jurisdiction as null and void while unashamedly declaring his intention to disregard the Judgment in favour of another.
25. Immediately after, in a manner that showed that the NBA and I had no personal interest in the matter other than in upholding the rule of law and ensuring respect for our cherished judiciary, the NBA excoriated the Governor and demanded an immediate apology. We all know how that episode ended.
26. These are just a few examples of what the NBA under our administration was able to achieve simply because we resolved to do things differently and I am here today to challenge you to resolve to do things differently as journalists. As I have learnt, the seeming futility of doing things right in Nigeria cannot be the reason not to do the right things.

### **The Opposition**

27. I said earlier that the duty to ensure that governments are constantly held accountable falls on the civil society led by Labour, Lawyers and the Press. Another group of people who owe Nigerians that responsibility is the Opposition. For long, just like there was vacuum in the civil society, there was also a huge vacuum in the sense of the absence of vibrant and credible



opposition to keep the government on their toes. As far as I am concerned, over the years the APC and PDP showed themselves to be two sides of the same coin.

28. Nigerians therefore yearned for a truly alternative platform to express themselves. That is what democracy is all about. Without that, democracy cannot fully develop.
29. Now I will turn my attention to Press.

### **The Nigerian Union of Journalists**

30. When I received the invitation to deliver this Memorial Lecture, I asked myself a number of questions - What happened to Journalism in Nigeria? What happened to investigative journalism? Why are you not holding the government to account? Why are you not holding their feet to the fire. What happened to the profession practiced with distinction by the likes of Dr. Nnamdi Azikiwe, Peter Enahoro, Chris Anyanwu, Ernest Ikoli, Dele Giwa, Tunde Thompson Nduka Irabor, Uncle Sam Amuka, Olabisi Onabanjo, Olusegun Osoba and of course Senator Anyim Ude who we have gathered today to honour? Without intending to be unnecessarily critical, even the most optimistic practitioner of the journalism profession in Nigeria would admit to himself that this is not the finest hour for the profession.
31. Why then are you content to have your noble profession diminished and dismissed with sobriquets like “brown envelope profession?” Are we saying that there are no noble and upright men or women in the profession who are appalled by the actions of a few people who are soiling the profession? To what extent are you willing to go to restore the pride of your profession?
32. I am not oblivious of the factors that significantly inhibit the practice of investigative journalism in Nigeria including low salaries, bad working conditions, corrupt practices by journalists and clientelism. These are also some of the challenges that the NBA faced before and indeed during my

administration as NBA President but as I said earlier, we resolved to do things differently.

33. There have been actions or events in the past few years that you expected the Press to rise up against but what we saw was at best haphazard reactions, and in some cases, total silence.
34. An example is the frankly disgraceful episode right at the twilight of the Buhari administration when under the guise of ensuring the launch of the Nigeria Air project, a legacy project of the Muhammadu Buhari administration, the former Aviation Minister, Hadi Sirika chartered an Ethiopian Airlines aircraft with registration number ET-APL, which was draped in the colours of Nigeria Air and made to fly to Nnamdi Azikiwe International Airport, Abuja with unnecessary fanfare, only for the aircraft to be returned to Ethiopian Airlines and repainted to continue its scheduled flights. A few weeks later, the acting Managing Director of Nigeria Air admitted to the Senate Committee on Aviation that the airline was yet to secure an operating license for full flight operations. In other words, Nigerians had been beguiled. Yet, there was no sustained indignation or angst from the Press.
35. Another example is the “confession” of Senator Adamu Bulkachuwa on 10 June 2023 at the valedictory sitting of the 9<sup>th</sup> Senate when he told a shocked nation that he got favours from his wife, Honourable Justice Zainab Bulkachuwa, the former President of the Court of Appeal not just for himself but also for his colleagues in the Senate. This was before he was tactfully told to shut by the former Senate President, Senator Ahmed Lawan, who himself was the beneficiary of a shocking judicial victory, so much that former Senator, Rochas Okorochoa implored him to teach his colleagues how he managed to return to the Senate without contesting in valid primaries. What did the National Judicial Council (NJC) do? I am a member of the NJC, and I can tell you that I did not agree with the decision of the NJC to maintain an undignified silence. But I must ask, what did the NUJ do?

36. In the words of Sam Nwaoko, a Deputy Editor at Nigerian Tribune:

That Senator Adamu Bulkachuwa's confession of June 10, 2023, should ordinarily cause collective bawling in several quarters of our country. It was about the worst form of the mud that our national life has been dragged through, but we tend to be shameless when we should hide our faces. We are not even alarmed!

37. Regrettably, the views of Sam Nwaoko represented only an exception rather than the widespread condemnation from the Press that one would have expected had such a revelation come from a public officer in another country. To date, no one has been brought to book.

38. Anyone who is in doubt as to the extent of the powers and influence that the Press possesses in a democracy should remember the Watergate Scandal which ultimately led to resignation of US President Richard Nixon in 1974. The scandal was unraveled in part by the investigative coverage by the Washington Post, Time and The New York Times. I am sure the veterans among you recall the specific role played by Bob Woodward. Do we have an equivalent in Nigeria?

39. Unfortunately, the verdict is that journalism has flatlined in Nigeria and that Journalists have closed shop; and that journalism in Nigeria has become, at best, influence peddling, and at worst, blackmailing. I recall the example of a journalist asking me to congratulate Godswill Akpabio for emerging as Senate President and I said to him that I had a problem with his emergence as a Senator in the first place and therefore I was not interested in issuing any congratulatory message.

40. As we often say, "Nature Abhors a Vacuum". The cost of the dearth of investigative journalism in Nigeria is that citizen journalists have emerged using the instrumentality of Smartphones and social media and they are seriously taking over the traditional role performed by mainstream media, hence the tendency for irresponsible journalism. In this era of Fake News there is no fact-checking and anything goes in an attempt to break news. These citizen

journalists are not exposed to the same training that mainstream journalists undertook and they do not subscribe to any code of ethics.

41. I must admit that it is not all gloom and doom and there are indeed members of the Press who still strive to shake tables and live by the Code of Ethics for Nigerian Journalists. In this regard I must single out Arise TV for the refreshing approach to journalism that they have brought in recent times.
42. In ending, I found succour in the words of the Preamble to the Code of Ethics for Journalists in Nigeria. I have taken the liberty to reproduce a part of the Preamble here:

Journalism entails a high degree of public trust. To earn and maintain this trust, it is morally imperative for every journalist and every news medium to observe the highest professional and ethical standards. In the exercise of these duties, a journalist should always have a healthy regard for the public interest. Truth is the cornerstone of journalism, and every journalist should strive diligently to ascertain the truth of every event.

43. It is the standard that you set for yourself that I have decided to judge you with. There is anger and hunger in the land. It has already found expression in different media including EndSARS Movement, the 'Obidient' Movement, etc. Strangely, the government seems to be getting a free ride. If we continue like this, the next stage is a full-blown revolution. However, if there are a group of persons who have a God-given mandate to speak up are these four groups – Lawyers, Journalists, the organised Labour and the Opposition. The time to act is now.
44. Let me end the same way I started by once again commending the NUJ for organising this Memorial Lecture. I also formally commiserate with the Anyim Ude family for the passing of their Late Sage.

**OLUMIDE AKPATA**

**Immediate Past President, NBA**