

# THE WHITE COLLAR

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## A True Legacy

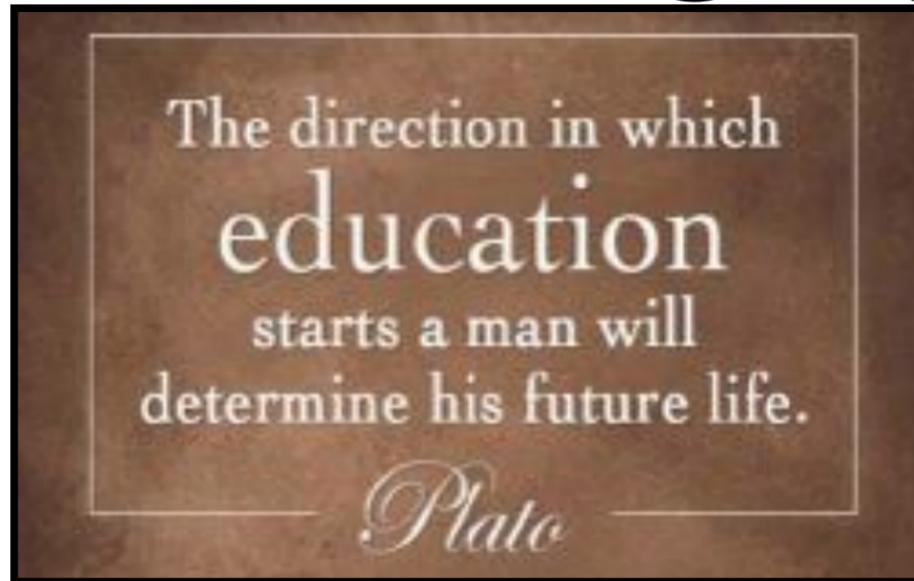
Presidential candidates are often asked "what is your greatest priority during your presidency?" and many give good answers, many don't nevertheless there is one simple answer that supersedes all others, it is not Power Generation or Infrastructure development, it is not Security, it is not even the Economy- it is the one legacy that allows a state to continue to survive irrespective of the challenges of any generation. It is the legacy of knowledge. It is one thing that separates us from other animals, the fact that we pass on the discoveries we make for future generations.

We don't have to re-invent the electric bulb every generation, or the engine, or the aircraft, we simply improve on what has been done. Security, Power, the Economy, these may all bear more urgency and take on very present and immediate necessities, but the truly important issue, without which none of these pressing issues can be solved is our ability to learn to be better.

Education "the act or process of imparting or acquiring knowledge, developing the powers of reasoning and judgment" and "the act or process of imparting or acquiring particular knowledge or skills", this is the number one priority of every generation, of every nation and of every government. It is not an ideological stance, it is not an intellectual argument, it is not a school of thought, it is not a "good idea" it is simply a historical fact.

In 'the Republic' one of history's earliest treaties on the human society the Philosopher Socrates identifies Education as the greatest priority any state has. His argument is that where a state educates the younger generation they will develop in them the ability to discern and improve even what the older generation who have trained them in. "And that... is why this stage of education is crucial. For rhyme and harmony penetrate deeply into the mind and take a most powerful hold on it, and if education is good, bring and impart grace and beauty, if it is bad the reverse. And moreover the proper training we propose to give will make a man quick to perceive the shortcomings of works..."

The education of the mind determines the disposition of the person and therefore their future. By reasonable extrapolation it is easy to see how this is important to society and the exact effect it has on the 'greater disposition' of a nation. Importantly however, we must draw



the distinction between receiving certification of attendance of an educational institution and the ability to use knowledge, this is key, especially in contemporary Nigeria today.

Why is it so imperative?

At the Beijing Olympics in 2008, China won an unprecedented 51 gold medals, beating nearest rivals the US by a clear 15 gold medals. The feat on its own was impressive but combined with the level of preparation with which the Olympics were rolled out across China the event became considerably significant in the history of the Olympics. China had prepared for almost a decade to host the 2008 Olympics and the preparation was evident. Today China has children training in State run Sports academies in preparation for Olympic games decades away. At 9 some of these children have mastered what it takes adults years to learn, creating almost "super-athletes" that outclass their opponents at the games. This dedication is replicated across the 'big' nations, the United Kingdom, Russia etc These nations all prepare their younger generation to dominate the world scene both intellectually and in sports. Today Sports, Science, Technology, Education are all the mainstay of these nations. They prepare themselves, they enable themselves be better by educating the next generation.

Growing trend

Why do we keep comparing ourselves to these "foreign" nations? We are not like them,

we have a different system?" Someone might say. The truth is we cannot deceive ourselves simply contenting ourselves with that disposition, the world we now live in is a world where products from China are competing with the locally made tie-and-die clothes made in Abeokuta somewhere in London, where young Nigerian designers are competing with their counterparts for supply contracts in Los Angeles, a world where Facebook is changing how companies do business in Lagos, a world where children born in Nigeria are competing against their counterparts in China, the US, and Australia children who from childhood are being taught two, three, four languages, taught to be mathematical geniuses, musical prodigies and science experts in order to put them ahead of the competition curve. We live in a smaller world today than 50 years ago. There are more of us now, there are fewer resources, and the world is a global market, waiting for the next big revolutionising product.

The value of education is not simply to equip our children for the future, it is to ensure that they are the ones building that future and defining it for the world. As a global society we are learning gradually how the future is being created today, Facebook for example was a "fad" or a "phase" that came and would go- it is still here and whatever you say about it, it is a product worth over \$40billion, it has changed the way the world does something. That is the kind of thinking we need to create not just tomorrow's world but also tomorrow's

Nigeria.

We talk about 'Change' as if it is an unconscious process, or as if we can just 'automatically' acquire better results by switching colours or wearing a new hat, or installing a new person, and as noble and as strong an indication these are for a genuine desire, they are still just that. Change is a long-term planned and painstaking process. So what are we doing to prepare Nigeria's young to succeed in Sports, Science, Innovation and Education?

Here at home the Nigerian Education Reform Act 2007, which proposes to create remedies to the problems we face within our education systems, dwells mainly on the oversight role of established commissions for the various level of education. There is no need to reiterate the failings we have grown used to in our education system other than to say that the foundations which should put our students and young ahead of the curve against their counterparts worldwide is the obvious missing link. It explains why we are a nation running from the past and fighting the future.

When there is an obvious dearth in a system it is the responsibility of leaders to step up and remedy this lack. It is the same worldwide, for Japan in the 1950s realised its obvious strategic weakness and began to plan decades ahead to create the Japan of today that is leaps and bounds ahead of the entire world technologically.

What is the plan for Nigeria in 20, 30, 50 years? Going to school is not the same as being educated. The Education Scheme, Legislations to enable the actual acquisition of knowledge, the improvement of Higher Institutions, protecting young and vulnerable people from abuse, stemming the growth of criminality in universities, these are the issues we need to be addressing as a forward thinking nation preparing for the next half century. We shouldn't be dwelling on tribe or religion or some remote political interest, or fuel scarcities 6 months at a time. We should be thinking about how that next world-changer or revolutionising product can be Nigerian!

This past week an amusing conversation with a Security man drew an interesting quote worth sharing. "Change go change this Petrol scarcity next month?" Problems in our nations are passed on from administration to administration. If the cycle continues who will solve the problems? It is not about the colours of any party, religion or tribe, it is about preparing for the future. It is about educating those who can create the strong Nigeria we know we are capable of being. What is our plan for this?

### JURISDICTION OF THE FEDERAL HIGH COURT CONTINUED FROM PAGE 10

Government or any of its agencies, the State High Court loses jurisdiction. It is the Federal High Court, by virtue of section 251 of the Constitution and the interpretation given by this court to that section and or other related sections or statutes that can lawfully exercise jurisdiction thereon"

It is therefore submitted in this piece that the Supreme Court has put its seal on the principle enunciated in the case of **NEPA v EDEGBERO** i.e. that once a party to a suit is Federal Government or any of its agencies, only the Federal High Court has jurisdiction to hear and entertain the case, notwithstanding the nature of the subject matter of the claim.

A very fascinating reading is provided in the Supreme Court's decision in the case of **CHIEF M. A. INEGBEDION v DR. SELO-OJEMEN & ANOR** (2013) All F.W.L.R. (Part 688) 907 at 922-923 per Peter-Odili JSC (paras E - B), where the apex court held as follows:

"As I said earlier, the Appellant's stance is that the proviso to Section 251 (1) grants to the State High Court the jurisdiction to adjudicate on the matter of the negligence, defamation and breach of the doctor/patient

confidence allegations against the appellant, on the ground that they were within the ambit of "any enactment, law or equity". I am at one with my learned brother, Onnoghen JCA (as he then was) in the case of **AYENI v UNIVERSITY OF ILORIN** (2000) 6 NWLR (Pt. 644) 290 in which he properly defined what Section 251 provides and the Proviso with the phrase "any enactment, law or equity" means. I will quote him and he said:

"For the avoidance of doubt, the proviso does not say that the State High Court shall have jurisdiction in matters touching and concerning the Federal Government or its agencies, where the action is founded on "any enactment, law or equity. It is difficult to imagine an action of the Federal Government or its Agency, which does not arise in the course of its administration or management and control. The provision is very wide.... Simply put, the section is saying clearly that every cause of action against the Federal Government or its agency irrespective of its nature shall be heard and determined exclusively in the Federal High Court".

It is not difficult to see that the case of **AYENI v UNILORIN** (supra) has interpreted that Section 251 fully, the import being the

all-embracing provision of Section 251 of the 1999 Constitution once the Federal Government or its agencies are involved in matters concerning their actions in the administration, management and control. That was the basis of the ever cited **NEPA v EDEGBERO** (supra) a judgment of the Supreme Court".

Furthermore, it was in the lead judgment held at page 917 (para C - E) that:

"The question having now been settled that the 2nd Respondent, Otibhor Okhae Teaching Hospital, Irrua is an agency of the Federal Government, the next relevant question is whether the Appellant's claim relates to the administration or management and control of the 2nd Respondent. Paragraph 25 of the Statement of Claim is a claim in aggravated and/or exemplary damages for defamation, negligence and breach of Doctor/Patient Confidence which undoubtedly relates to the administration or management of the Otibhor Okhae Teaching Hospital, Irrua sued as the 2nd Defendant in the trial court and is the 2nd Respondent in this appeal and in the lower Court. The effect of Paragraphs (p), (q) and (r) of Section 251 (1) of the 1999 Constitution is to vest exclusive jurisdiction on

the Federal High Court over all civil causes and matters in which the Federal Government or any of its agencies is a party. See **NEPA v. Edegbero** (2002) 103 LRCN 2280 at 2281 - 2282. The proviso to section 251 (1) of the 1999 Constitution does not in any way detract from the exclusive jurisdiction conferred on the Federal High Court by virtue of section 251 (1) (p), (q) and (r). Consequently the proviso cannot apply." Per Alagoa, J.S.C

The summary of the facts of Chief M. A. Inegbedion v. Dr. Selo-Ojemen & Anor (supra) is as stated hereunder;

The Appellant as Plaintiff took out a Writ of Summons against the Respondents as Defendants at the Edo High Court, Ekpoma Judicial Division claiming damages for negligence, defamation and breach of Doctor/Patient confidence. So much of the facts as are necessary and as can be gleaned from the Statement of Claim are that the Plaintiff went to the hospital of the 2nd Defendant for the purpose of having an HIV/AIDS test conducted on him and his estranged wife. The test was carried out by the 1st Defendant Dr. Selo-Ojemen, a medical doctor employed by

CONTINUED ON PAGE 12