



OFFICE OF THE SOLICITOR-GENERAL AND PERMANENT SECRETARY
CRS MINISTRY OF JUSTICE
New Secretariat
P.M.B. 1051, Calabar

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July 27, 2023

MEMO

FROM: Solicitor-General & Permanent Secretary, Ministry of Justice	His Excellency, The Governor, Cross River State
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SUBJECT: Memo to His Excellency the Governor

DATE: 27th July, 2023

Your Excellency,

1. My attention has recently been drawn to allegations floated in a publication of the *Eagle News* on *social media* on certain matters in which the Ministry of Justice played some role. A duty is imposed on me as head of the Ministry to bring the following therefore to Your Excellency at the earliest in hopes of checkmating any imminent embarrassment to Government.

2. Sir, following failure of CRSG to meet the demands by cocoa Landlord Communities in Etung LGA for payment of rents/royalties, the Landlords sued CRSG in Suit No: HE/16/2013 in 2013 (during the Imoke's Administration). Amongst other reliefs sought, they asked for settlement of arrears of rent/royalties, upward review of rent, and rehabilitation of the cocoa Estate. Fortunately, parties agreed to amicably resolve the dispute and the result was a Consent Judgment.

3. Subsequently, and acting without approval, some Government functionaries purportedly ceded 32 Hectares of Government Cocoa farmland at Abonita Cocoa Estate. This move was thwarted by the former SA (Cocoa Dev. & Control) whose efforts resulted in the recovery of the said 32 Hectares. Meanwhile, Landlord Communities through their lawful Attorneys, who did not support the illegality, further sued CRSG in suit No. HM/73/2020 seeking among others, a declaration that the 32 hectares belong to CRSG and not the Family of Late Ogar Assam of Ajassor whatsoever, etc. This gave birth to the second Consent Judgment.

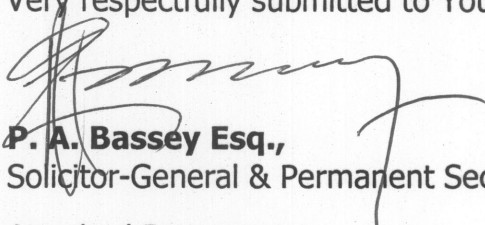
4. The Landlord Communities through their Solicitors, O. N. Agbore & Associates, mounted pressure on CRSG for enforcement of the Consent Judgments culminating in government securing a new lease for 6 years as specially approved by the then His Excellency the Governor, for the settlement of CRSG's rents/royalties and other liabilities while at the same time generating revenue for the State. The advantages of the New Lease were diverse and as follows:

- it was mutually accepted as effective, realistic and workable;
- it was seen as critical in permanently putting an end to conflicts and litigations in the area, not to mention restoring peace and safety;
- It was agreed that it would secure and enhance the rehabilitation of the old cocoa estate, etc. in line with the Consent Judgement; and
- it would give comfort and security of investment to the Lessees of the Small Holder Scheme.

6. To firm the above, an Agreement dated 13th August, 2021, Registered as No. 571 at Page 117 in Volume VI of the Agreements Registry of the Attorney-General Chambers was executed between CRSG & the Landlord Community.
7. The Office of the Attorney-General drafted all relevant legal documents and letters in all this and provided necessary leadership in enforcing the two Consent Judgments. On instructions, the Attorney-General's Chambers also crafted the Agreement mentioned in (6) above. Functionaries of Government that participated in these transactions include: His Excellency the immediate past Governor; His Excellency the immediate past Deputy Governor; the former Attorney-General; the Internal Revenue Service; Due Process and Price Intelligence Dept.; Office of the State Auditor-General; Ministry of Agriculture; and Office of the SA Cocoa Dev & Control. It was their concerted efforts that culminated in final placement of the proceeds of the 6 years New Lease on the Smartgov. Payment platform.
8. Accordingly, we are in a position to vouch that the relevant actions narrated above were bona fide engagements of CRSG, not those of Ntufam Dr. Oscar Ofuka (the former SA (Cocoa Dev. & Control)). We may not be in a position to confirm or deny whether the said Ntufam Dr. Oscar Ofuka collected monies from any person or persons, but the verifiable facts are that Ministry of Justice helped to set in place all legitimate arrangements as highlighted above. The process also included sales of Application Forms, Offer Letter, Acceptance Letter, payment of Lease fee as revenue to CRSG through IRS's Smartgov Platform. Payment of the latter is automatically split between Government and the Landlord Communities through their representatives' Bank Accounts in line with the Consent Judgments. It was to encapsulate the foregoing that a Lease Agreement for 6 Years was prepared and executed by the parties.
9. Our interest here, Sir, is to see that Government is not dragged back into needless litigation, or worse, the Communities that had resolved old quarrels do not descend again into anarchy and unrest. The insinuations on social media and elsewhere against Ntufam Dr. Oscar Ofuka for allegedly allocating Cocoa for the years 2024 - 29 are not helpful in this regard. Resolution of the conflicts surrounding the cocoa lands enjoyed full approvals of Government and were ultimately embodied in Consent Judgments. Government cannot go back on these without risking more litigation or, worse, a breakdown of law and order. For as much as government is a continuum, the incumbent Administration, unless otherwise minded, remains bound by the legitimate actions of the out-going Administration.
10. The clamour, therefore, that Ntufam Dr. Oscar Ofuka fraudulently received monies from prospective Lessees and should be compelled to refund such only sets Government up for a number of unpleasant consequences. Members of the Pre-Cocoa Allocation Committee who appear to have bought into this storyline should rather focus on acquiring genuine information and verifiable records preferably from the Law Office of the Attorney General as their advice will ultimately guide Government. What must be avoided, however, are hastily made and tenuous conclusions. Permit me to restate, Sir, that the Offices to be consulted for appropriate, relevant and verifiable official information in this case include the Attorney-General Chambers, Internal Revenue Service, Due Process & Price Intelligence Dept., Office of the State Auditor-General, Ministry of Agriculture and Office of the Dept. of Cocoa Dev & Control.
11. Your Excellency Sir, this Ministry's mandate places a duty on us to draw your attention to situations like this and to advise that prevention is better and cheaper than damage control.
12. Accordingly, Sir, our recommendations are as follows:

- (a) The actions of the previous Administration as they relate to the new 6-year Lease should be sustained as legitimate, and Your Excellency should continue with them.
- (b) The two Consent Judgments, having been concluded, should not be disturbed. Legally speaking, they constitute authentic judgments of court. They can only be enforced but not set aside more so not by an administrative process.
- (c) Exhaustive consultations with the appropriate Ministries, Department or Agency (MDA) should be made by the Pre-Cocoa Allocation Committee to verify the facts before any advice is tendered to Government.
- (d) The discharge of official duties through social media, especially by top Government functionaries, is embarrassing and should be discouraged.
- (e) Your Excellency should consider a reconstitution of the membership of the Pre-Cocoa Committee which, from our findings, is made of persons who, in one way or another, have interests that conflict with that of the State. Government's overall resolve may end up being subsumed in the inordinate personal hopes of individuals.

Very respectfully submitted to Your Excellency.


P. A. Bassey Esq.,
 Solicitor-General & Permanent Secretary

Attached Documents: -

- a) Order of Court dated 5th March 2019
- b) Notice of Withdrawal of 32 hectares endorsed by the Director of Agric Services
- c) Release of Estate at Abonita as compensation after amicable resolution, dated July 3rd 2020
- d) Letter of Resolution of Litigation by Landlord Communities dated 5th June 2018
- e) Letter of Consent Judgment dated 14th October 2019
- f) Memo to His Excellency by SA Cocoa Development Dated 8th April 2021
- g) Request for Approval to Place CRSG and Cocoa Estate Landlords on SmartGov, (dated 17th March 2022)
- h) Order of Court (dated 5th July 2022)
- i) Notice to Desist from the Occupation of Abonika Cocoa Estate (dated 31st May, 2021)
- j) Agreement to Secure the Immediate Settlement of All Grievances in the Consent Judgment (dated 13th August 2021)
- k) Consent Judgment in Suit No HE/16/2013 (dated 25th July 2020)
- l) Enforcement of Consent Judgment Suit No: HE/16/213 (dated 24th August 2021)
- m) Reinstatement of Revenue Consultant to the Pay-Direct Platform (dated 6th January 2022)
- n) Re: Enforcement of Judgment in Suit No: HE/16/2/2013 (dated 6th May 2022)


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