

6 July 2020

The Chairman
Electoral Committee of the **Nigeria Bar Association (ECNBA)**

c/o The NBA National Secretariat
NBA House,
Plot 1101 Mohammadu Buhari Way,
Central Business District, Abuja F.C.T.

Attention: Mr. Tawo E. Tawo (SAN)

Dear Chairman and Learned Silk,

URGENT CONCERNS REGARDING THE UPCOMING 2020 NBA ELECTIONS.

It is with all sense of responsibility as lawyers and members of the Nigerian Bar Association (NBA) that we have decided to formally record our concerns about the upcoming NBA elections.

The background upon which these concerns have arisen are as follows:

- a) The NBA elections in 2018 was fraught with electoral glitches that raised questions for many members of the profession and interested Nigerians as to its credibility, rightly or wrongly.
- b) The ECNBA under your leadership must consider it a sacred duty to ensure that the 2020 elections redeem the dent on the NBA's image arising from the questions raised about the conduct of the 2018 elections.
- c) This letter raises issues that are not inimical to any candidate in the 2020 elections. In fact, it is a call for the ECNBA to ensure that the playing field is level and the NBA can on the back of the 2020 elections regain its pride of place as a credible voice for governance and rule of law in Nigeria.
- d) Disenfranchisement of any voter due to technical glitches or administrative errors on the part of ECNBA cannot be excused. A technical disenfranchisement is still a disenfranchisement.

That said, our concerns are as follows:

a) **Missing Names on Voters List**

Thousands of members have complained that despite having paid their Bar Practising Fees and Branch Dues and armed with receipts, their names are still not on the voters list. ECNBA must create a fast track process that addresses these voters as a matter of urgency.

If these names are on the list of paid members provided by any of the banks, they should be allowed to vote. Some other lawyers have complained that their names had appeared on the list and disappeared at a later date. If these persons have their receipts of payment of Bar Practising Fees, they should not be disenfranchised.

b) **Voters List Verification:**

We think that a list of credible voters needs to be obtained with greater simplicity and that every candidate should exercise their rights to review the voters list and its source well ahead of elections. The most credible way to achieve this in our view is to simply procure a bank certified print out of the names of NBA members who have paid their Bar Practising Fees which the candidates may then verify and compare with voters list already circulated by ECNBA. The unfortunate news going around on social media about names like ‘Opening Balance’ being on the Voters List can only be refuted by a transparent process verified by all the candidates as we now suggest.

c) **Voter Eligibility:**

To avoid disenfranchising many eligible voters and to create further simplicity, we suggest to ECNBA that for the 2020 elections the ECBNA should waive the pre-condition that voters must have paid their NBA branch dues. Our reasons are that that it is public knowledge that COVID19 occasioned lifestyle changes in the month of March in many cities (Lagos was most affected) that deterred many NBA members from paying their branch dues before 31st March 2020. Your Committee may wish to note that the first confirmed case of COVID19 in Nigeria was reported on 27th February 2020, and Punch Newspapers of 9th March 2020 reported that Nigeria had its second case of COVID19 and by 24th of March Nigeria had 44 cases, and the lockdown in Lagos and FCT commenced March 29 – which means the 30th and 31st being working days fell into the lock down period. As the ECNBA would know, the payment of branch dues for most branches entails members commuting to branch offices to present tellers to officers and it is characteristic with members to pay within the month of March particularly the last 2 days of the 30th and 31st of March.

d) **Verification:**

The process for online accreditation is semi manual, cumbersome, and akin to a technical disenfranchisement of thousands of voters. For example, we do not see why a member who has a Supreme Court Number (SCN) should also be required to upload a Call to Bar Certificate. More so, it takes an average of three days for one to get the email of temporary log-in password instead of an automated process. This has raised suspicions, and rightly so, that persons behind the scenes use these three days to vet and calculatedly refuse certain voters from certain branches accreditation for the benefit of certain candidates. We suggest that ECNBA takes a brave decision in the interest of inclusiveness to drop the verification part of the eligibility process. In our view, anybody who has paid his or her Bar Practising Fees is an eligible voter and should not be put through rigours that are reminiscent of the nightmares millions of Nigerians went through to obtain PVC’s during the 2019 general

elections. Technology is so advanced that simple algorithms can void a person whose name is not on the bank certified list who happens to gain unlawful access to the voting platform.

e) **Transparent Process for Voting**

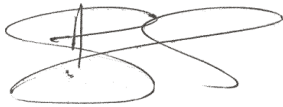
It is fearsome that with less than 3 weeks to the elections the voters and candidates do not know how the election technology works. The ECNBA should know that any credible elections include a public briefing of candidates and the electorate on the process for voting. Questions that are being asked by members include: Is there an automatic process for collation of votes? Is that process transparent? What are the transparency features in the server? Which systems are in place to ensure that this server cannot be hacked? Any election that is not transparent is subject to manipulations and consequently subject to slanders which cannot be rebutted. This is the reason why votes are counted in public at polling booths during the Nigerian general elections. All voters are involved in the counting and go home knowing the results.

Conclusion

We are aware that the ECNBA has a sacred duty which may have been marred by faulty starts. We think with all sense of responsibility and to the extent that the NBA constitution allows, the ECNBA may consider requesting the NBA for a short postponement of elections to enable it to discharge its duties creditably.

Mr. Chairman, we implore you and the ECNBA to take these issues raised very seriously to avoid a dent on the image of the ECNBA, the NBA, and all Nigerian lawyers. We are rested in the fact that you understand that if the NBA which is a known bastion of governance fails to conduct credible elections, it will be a travesty of untold proportions unfolding under your watch.

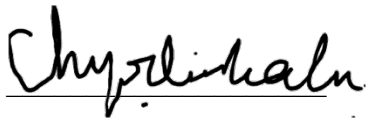
Signed



Mr. Ade Okeaya-Inneh, SAN
Senior Advocate of Nigeria

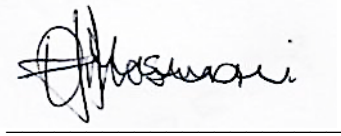


Mr. Ayuli Jemide
Vice-Chairman, NBA Section on Business Law



Chidi Anselm Odinkalu

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