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OO/ECNBA/ABJ/ECNBA/02/22

Tuesday, January 25th, 2022.

“URGENT”

The Chairman,
Electoral Committee of the Nigerian Bar Association,
NBA House,
Plot 1101 Mohammadu Buhari Way,
Central Business District 900103,
Abuja.

ATTENTION: Ayodele Akintunde, SAN, FCI Arb.(UK), C.Arb, FBR.

Dear Mr. Chairman,

**ENQUIRY AS TO THE IMPORT OF SECTION 9(3) OF THE NBA CONSTITUTION
AND PARAGRAPHS 2.2(B) & 2.2(D) OF THE SECOND SCHEDULE ON THE 2022
NBA NATIONAL OFFICERS' ELECTION**

Firstly, permit me to congratulate you on your well deserved appointment and inauguration as Chairman of the Electoral Committee of the Nigerian Bar Association (ECNBA). There is no doubt that your appointment will herald the much needed transparency and equity required in the forthcoming NBA National Officers' election. As a senior member of the Nigerian Bar Association and former Secretary of the NBA Constitution Review Committee, I believe that my concern and enquiry on the above-captioned issue is in order; especially given that I am a stakeholder of the Bar interested in the activities of the NBA including the forthcoming NBA National Officers' election.

In the main, I write to formally seek the attention of the ECNBA, for the proper interpretation of the mandatory provisions of section 9(3) of the NBA Constitution as well as paragraphs 2.2(b) and 2.2(d) of the second schedule in light of the forthcoming 2022 NBA National Officers' election.

Pursuant to the dictates of section 9(3) of NBA Constitution and paragraphs 2.2(b) and 2.2(d) of the second schedule, the rotation of the candidacy for the office of the presidency amongst different groups/sections in the geographical zones created by the NBA Constitution has been and is an intrinsic provision of the NBA Constitution; which has since been endorsed by the 2020 Electoral Reform and Audit Committee which recommended *inter alia* that same;

“...should be strictly adhered to in order to ensure that no group and/or section in a geographical zone is marginalized and the unity of the bar is preserved.”

This report and recommendation was also given imprimatur by its subsequent adoption by the NBA NEC as contained in the communiqué issued by the President and General Secretary of the Association on March 18, 2021. **Kindly find attached the relevant pages of the report, NEC minutes of meeting and communiqué for ease of reference.**

In accordance with section 9(3) of the NBA Constitution and paragraph 2.2(d) of the second schedule, the geographical zones consist of Northern, Eastern and Western Zones, and what constitutes different groups or sections in the NBA Constitution is akin to the geopolitical zones within the geographical zones. For the sake of emphasis, we reproduce **section 9(3) of the NBA Constitution** as follows:

“For the purposes of election into National Offices, the country shall be divided into three zones as set out in the Second Schedule.”

Paragraph 2.2(b) of the second schedule to the Constitution provides thus:

“The positions of the President, 1st Vice President, 2nd Vice President, 3rd Vice President and General Secretary shall rotate among the three zones. In determining the eligibility of a candidate to contest for any of the rotated offices, regard shall be had to a candidate’s Geographical Zone of origin and not the geographical Zone where he/she carries on legal practice.”

Paragraph 2.2(d) of the Second Schedule to the NBA Constitution on its part provides that:

*“Where a position is zoned to any particular geographical zone, the position **shall** be rotated and held in turn by the different groups and/or sections in the geographical zone.”* (Emphasis mine)

No doubt, the implication of the reproduced portion of the schedule is that for purposes of the 2022 NBA National Officers’ election, the positions of President and 1st Vice President are zoned to the North; General Secretary is zoned to the West, 2nd Vice President is zoned to the East and 3rd Vice President is zoned to the West in line with paragraph 2.2(d) of the second schedule.

Having due regard to paragraph 2.2(d) of the second schedule to the NBA Constitution reproduced above, an aspirant to the Office of the Presidency of the NBA has to be from a section/geo-political zone in the geographical zone where the Presidency is zoned, in this case the North for 2022 NBA election, in compliance with the constitutional rotation requirement. This rotation within the geographical zones also applies to the positions of 1st Vice President, 2nd Vice President, 3rd Vice President and General Secretary which have all been zoned to specific geographical zones for the purposes of the 2022 NBA elections as pointed out above. That is to say that within the Western zone, the rotational principle will apply in view of the different sections/groups which are mid-west and south-west while in the Eastern Zone; rotation is to be between the south-south and south-east. In the same vein, the rotation is to be amongst the North-Central, North-West and North-East geopolitical zones within the Northern zone.

For instance, following the build-up to the 2022 NBA election which has been zoned to the North, there are several prospective aspirants for the position of the NBA President from the Northern Zone, many of whom have consulted me in respect thereof.

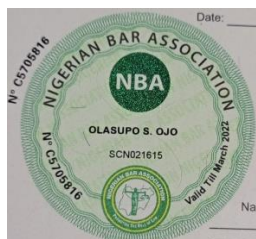
I seek the clarification and/or confirmation of the ECNBA as to the import of section 9(3) of the NBA Constitution and paragraph 2.2(d) of the second schedule of the NBA Constitution on the 2022 NBA general election in the determination of the issue as to the eligibility status of aspirants emerging from the sub-zones from the North, West and East geopolitical zones respectively with respect to the offices zoned to them.. In my humble view the need for this clarification now is germane to the transparency and fairness of the electoral process and clearly represents the clear and mandatory provision of the just amended NBA Constitution and should ideally therefore be expressly indicated in the guidelines that will be issued and published by the ECNBA in due course.

In the circumstances, I seek the required clarification as it relates to the rotation amongst the various sections/groups within the respective zones that are to produce the next NBA President, General Secretary and Vice Presidents in order to be properly guided as a voter and key stakeholder of the Bar. This is more so as consultations are ongoing and I intend to possibly contest or play key roles in the electioneering process at the appropriate time. I humbly entreat you to treat this matter with utmost fairness, transparency, justice and strict adherence to the rule of law as it is a sensitive issue touching on the future of the Nigerian Bar. I await your prompt response on this matter so that I can be guided accordingly.

Please be assured of my highest professional esteem.

Thank you.

Yours sincerely,



Olasupo Ojo, Esq.

NBA, Ikeja Branch

CC:

All members,

Electoral Committee of the Nigerian Bar Association (ECNBA)

ENCLOSURES

1. Relevant pages of report of the NBA Electoral Reform and Audit Committee
2. Relevant pages of NEC minutes of meeting
3. NEC communiqué