ZONING: ECNBA OKAYS MAIKYAU, TAIDI FOR NBA PRESIDENCY

The Electoral Committee of the Nigerian Bar Association (ECNBA) has finally laid to rest the controversy on the zoning of offices for the July 16, 2022 NBA National Elections.

In a document obtained by CITY LAWYER, the committee stated that “for purposes of zoning in the forthcoming 16 July 2022 elections, the applicable zoning principles are as contained in the Constitution of the NBA, which remain sacrosanct.”

This has ostensibly settled the vexed issue of “micro-zoning” of offices in the eagerly awaited elections. CITY LAWYER recalls that former Secretary of the NBA Constitution Review Committee, Mr. Olasupo Ojo had asked the committee to interpret especially Section 9(3) of the recently amended NBA Constitution.

However, throwing the gates wide open for all aspirants within each geographical zone to vie for the offices, the ECNBA put the issue beyond debate, thereby clearing the way for NBA Welfare Committee Chairman, Mr. Yakubu Chonoko Maikyau SAN and immediate past NBA General Secretary, Mr. Jonathan Taidi.

Watchers of NBA politics had speculated that if the committee had implemented the “micro-zoning” principle, this would especially have shut out Maikyau, given that former NBA President, Mr. Abubakar Mahmoud SAN is from the same zone. This, they believe, would have handed the initiative to the Chairman of NBA Security Agencies Relations Committee (NBA-SARC), Chief Joe-Kyari Gadzama SAN who is believed to be eyeing the NBA Presidency.

Said ECNBA: “For purposes of determining the eligibility of a candidate to contest for the offices liable to be rotated on the basis of the zoning arrangements specified in the Constitution of the NBA as fully reflected in the ECNBA’s Preliminary Notice of Election and the Guideline for 2022 Elections, regard shall be had to the candidate’s geographical zone of origin with particular reference to a State within the zone under reference.”

The committee noted that its Preliminary Notice of Election dated 17 March 2022 and Guideline for 2022 Elections of National Officers of the NBA and the NBA Representatives to the General Council of the Bar (General Council) dated 24 March 2022 “sets out the zoning arrangement for National Officers and NBA Representatives to the General Council consistent with the provisions of Part IV (1), (2), (3), (4) (5) and Part V (2) of the Constitution.”

It observed that 1.3 Part IV (4) of the Constitution provides that “where a position is zoned to a particular geographical zone, the position shall be rotated and held in turn by the different groups and/or sections in the geographical zone”.

Perhaps hinting that there is a lacuna in the NBA Constitution, the committee stated that all that was defined in the Constitution were the States that are comprised in the various zones and not the “different groups and/or sections in the geographical zone”.

According to the committee, “The Constitution specifies some offices subject to rotation on the basis of the principle of zoning. With reference to the election of national officers, these offices are:

(a) President (b) 1st Vice-President (c) 2nd Vice-President (d) 3rd Vice-President (e) General Secretary

“With reference to the election of NBA representatives to the General Council, the NBA Constitution specifies that each zone shall elect not less than six (6) Representatives to the General Council.

“For clarity, the States in each of the zones as provided for in the NBA Constitution are reproduced below:

i. Northern Zone: Adamawa, Bauchi, Benue, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Nasarawa, Niger, Plateau, Sokoto, Taraba, Yobe, Zamfara and FCT-Abuja.

ii. Eastern Zone: Abia, Akwa Ibom, Anambra, Bayelsa, Cross River, Ebonyi, Enugu, Imo, and Rivers State.

iii. Western Zone: Delta, Edo, Ekiti, Lagos, Ogun, Ondo, Osun, and Oyo.”

CITY LAWYER recalls that Ojo had in the letter addressed to ECNBA Chairman and marked “URGENT” with reference number OO/ECNBA/ABJ/ECNBA/02/22, Ojo said: “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.”

Continuing, the fiery senior lawyer said: “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.”

He noted that section 9(3) of the NBA Constitution provides that the country shall be divided into three zones as set out in the Second Schedule for the purposes of election into national offices.

Quoting Paragraph 2.2(b) of the second schedule to the NBA Constitution, Ojo identified the geographical zones as Northern, Eastern and Western Zones, adding that “what constitutes different groups or sections in the NBA Constitution is akin to the geopolitical zones within the geographical zones.”

Ojo noted that Paragraph 2.2(d) of the Second Schedule to the NBA Constitution 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.”

According to Ojo, “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.”

He noted that 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.”

Concluding, Ojo wrote: “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.”