

**IN THE NIGERIAN BAR ASSOCIATION
ELECTION APPEALS TRIBUNAL (NBA-NEAC)**

PETITION/APPEAL NO: NBA-NEAC/06/22

**SUNDAY ABAYOMI AKANNI
(PETITIONER/APPELLANT)**

AND

**THE ELECTORAL COMMITTEE
OF THE NIGERIAN BAR ASSOCIATION
(RESPONDENT)**

DECISION

**IN THE NIGERIAN BAR ASSOCIATION NATIONAL
ELECTIONS APPEAL COMMITTEE (NBA-NEAC)**

DECISION

PETITION/APPEAL NO:NBA-NEAC/06/22

1.	PARTIES	SUNDAY ABAYOMI AKANNI ----PETITIONER ELECTORAL COMMITTEE- NBA (ECNBA) ----- RESPONDENT
2.	PROCEDURAL HISTORY	Date of receipt of Appeal--- 28th May, 2022 Date sent to ECNBA--- 3 rd June, 2022 Date of ECNBA's Response --- 3 rd June, 2022 Date of Petitioner's Reply--- - Date and Manner of Hearing--- 7 th June, 2022 (Virtual and documentary)
3.	APPEAL SUMMARY	<p>The Appellant, until his disqualification, was contesting for the NBA National Elections into the General Council of the Bar from the Northern Geographical Zone in the 2022 elections. His nomination was seconded by one Mr. Japhet Olugbenga Opawale, who is from the Western Geographical Zone.</p> <p>The Appellant was disqualified by the ECNBA vide a Notice of Disqualification dated the 20th day of May, 2022 on the ground that his seconder is not qualified to contest for the same office as the Appellant because, he is from a different geographical zone. Dissatisfied with the decision of the ECNBA, the Appellant has appealed to this Committee vide a letter dated 24th day of May, 2022.</p>

4.	ISSUE FOR DETERMINATION	Whether from the facts and circumstances of this appeal, the Appellant is qualified to contest in the Elections, to represent the Nigerian Bar Association in the General Council of the Bar?
5.	Reasons for Disqualification (ECNBA's Position)	<p>That the seconder, Mr. Japhet Olugbenga Opawale, is from the Western Geographical Zone while the Appellant is from the Northern Geographical Zone.</p> <p>That the seconder who is from the Western Geographical Zone is not qualified to contest for the same office in the Northern Geographical Zone as the Appellant, as required by Part V, S. 2, of the Second Schedule to the extant NBA Constitution and the applicable Electoral Guidelines.</p>
6.	Grounds of Appeal (Petitioner's Position)	<p>That the relevant provision of the Constitution of the NBA, was interpreted narrowly and his seconder who is from the Western Geographical Zone by origin practices in the Northern Geographical Zone and should be allowed to second his nomination.</p> <p>That a liberal approach should be used in interpreting the relevant section of the NBA Constitution and the Appellant be allowed to get another Legal Practitioner from the Northern Geographical Zone to second his nomination.</p>
7.	Findings by the NBA - NEAC	<p>i. We find that the Appellant is from the Northern Geographical Zone.</p> <p>ii. We also find that the Appellant's seconder, Mr. Japhet Olugbenga</p>

		Opawale, is from the Western Geographical Zone. iii. Similarly, we find that by virtue of Part V, S. 2, Second Schedule to the NBA Constitution, Mr. Japhet Olugbenga Opawale, is not qualified to contest for the same office as the Appellant.
8.	DECISION	
	<p>We hold that the ECNBA acted within its powers and the Law, in disqualifying the Appellant in line with our findings above, because the Appellant's seconder, did not and does not meet the constitutional requirement, having not come from the same geographical zone with the Appellant, which is in breach of Part V, Sections 2 and 5 of the Second Schedule of the NBA Constitution.</p> <p>We also hold, that the zoning arrangement to aspire or contest by a candidate, in order to represent the NBA in the General Council of the Bar, must of necessity, also apply to his seconder.</p> <p>Finally, we hold that upon the foregoing, that this Appeal lacks merit, and it is accordingly dismissed.</p>	
9.	DIRECTIVE	
	None	

DATED THIS 10TH DAY OF JUNE, 2022

SIGNED:




**OLUFUNMILAYO ROBERTS, C.Arb. AUGUSTINE AJINEH, ESQ
(CHAIRPERSON) (SECRETARY)**

